

Publishers' Invitation to Submit 2003

Foreign Language Primary Adoption

With Corrections-February 25, 2003

**Prepared by
Curriculum Frameworks and
Instructional Resources Division
California Department of Education**

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Glossary of Key Terms

Basic program

An instructional materials submission that covers a course of study within the meaning of Education Code section 60010(a).

CCR-5

Title 5 of the California Code of Regulations.

Curriculum Commission

The Curriculum Development and Supplemental Materials Commission established under Education Code section 33530.

Department

California Department of Education

Integrated Design Strategies

Print, video, audio, tactile, and digital instructional materials or combination thereof.

IR Unit

Instructional Resources Unit, California Department of Education. Mailing Address: P.O. Box 944272, Sacramento, California, 94244-2720. Street Address: 1430 N Street, Room 6208, Sacramento, California, 95814. Telephone: (916) 319-0881. Fax Number: (916) 319-0159.

Contact:

- Jean James, Lead Consultant, (916) 319-0444
- Kenneth McDonald, Adoptions Analyst, (916) 319-0447

K-8 Foreign Language Instructional Resources Evaluation Criteria, adopted May 9, 2001.

Adopted by the California State Board of Education, May 9, 2001. This document provides criteria for evaluation of foreign language instructional materials in five categories: (1) Foreign Language Content/Alignment with the Curriculum Framework; (2) Program Organization; (3) Assessment; (4) Universal Access; (5) Instructional Planning and Support. Materials that fail to meet the foreign language content criteria will not be considered satisfactory for adoption. The evaluation criteria appear as Attachment A in this document, and can also be found on the CFIR web site at www.cde.ca.gov/cfir.

LE/IMAP

Language Experts (LE) and Instructional Materials Advisory Panel members (IMAP) constitute the membership of the task force that assists the Curriculum Commission in the adoption process established under the authority of CCR-5, section 9516.

Learning Resources Display Centers (LRDCs)

Learning Resources Display Centers established under Education Code section 60202 and CCR-5, section 9519.

Performance and Ability

Each student's ability to see, hear, move, read, write, attend, organize, focus, engage, and remember.

Publishers

Publishers, producers, and/or manufacturers of instructional materials as used in the Education Code and CCR-5.

State Board

California State Board of Education established under Education Code section 33000.

Technology-Based Programs

Submitted instructional programs that are solely available via technology.

2003 Foreign Language Primary Adoption

The process by which instructional materials in foreign language shall be adopted by the State Board under the authority of Education Codes sections 60200, 60200.1(a)(2), 60200.2, 60200.4 and 60200.5. The California Education Code (§60200) requires adoptions in the subjects of language arts, mathematics, science, and social science to be held no less than two times every six years, and no less than two times every eight years in other subjects such as Foreign Language, Health, and Visual and Performing Arts.

Universal Design

Integrated design strategies that accommodate the widest range of students possible, including those with disabilities.

Introduction

This Invitation to Submit invites publishers of instructional materials in Foreign Language to submit basic program(s) for consideration for State Board adoption.

The State Board has constitutional authority to adopt textbooks for grades one through eight (Article IX, Section 7.5 of the California Constitution), and statutory authority to adopt instructional materials for kindergarten. Education Code sections 60200-60204 describe the process for the adoption of instructional materials for K-8 and mandate that submitted materials be evaluated for consistency with the adopted content standards and specific evaluation criteria approved by the State Board.

For the subject matter area of foreign language, adoptions are generally conducted not less than two times every eight years. However, the last adoption of K-8 foreign language materials took place in 1991. The State Board acted to delay the adoption until 2003, pending the completion and adoption of the new *Foreign Language Framework*. The *Foreign Language Framework* was adopted by the State Board on May 9, 2001. Barring unusual circumstances, primary adoptions in foreign language are held once every eight years, with a follow-up adoption scheduled three years after the primary adoption. The follow-up adoption provides another opportunity for publishers to submit instructional materials for State Board adoption. The State Board may consider inviting publishers to submit instructional materials in a second follow-up adoption if warranted and funds are available to conduct the adoption. Follow-up adoptions are required to use the same evaluation criteria that were used in the primary adoption.

The *Publishers' Invitation to Submit for the 2003 Foreign Language Primary Adoption* complies with the requirement that the State Board adopt instructional materials not less than two times every eight years for non-core subjects (the core subjects being History-Social Science, Science, Mathematics, and Reading/Language Arts). Foreign Language instructional materials that are adopted by the State Board in this adoption will be added to the approved primary adoption lists. Local education agencies representing grades K-8 may use restricted state funds to purchase instructional materials identified on the adopted list from the time of adoption to the expiration of the adopted list (June 30, 2012).

Express Agreement

By submitting a basic program for consideration in the 2003 Foreign Language Primary Adoption, the publisher of the submission expressly agrees to follow the provisions of and the procedures set forth in this *Invitation to Submit* (ITS). This document incorporates all applicable statutes, regulations, State Board policies, and the applicable evaluation criteria adopted by the State Board. [see **Attachments A-C**]

Changes in statutes, regulations, or State Board policies that occur after the distribution of this document may affect the processes and procedures specified in this document, as well as specific content or format of publications. Inquiries relating to the 2003 Foreign Language Primary Adoption should be directed to the Instructional Resources Unit.

Legal Authority

The State Board adopts instructional materials under the authority of Article IX, section 7.5 of the Constitution of the State of California and in accordance with the applicable provisions of the Education Code and CCR-5, including, but not limited to, Education Code sections 60200-60204 and CCR-5, sections 9500-9530.

I. Primary Adoption of Instructional Materials in Foreign Language

This section provides an overview of the 2003 Foreign Language Primary Adoption process and procedures.

A. Overview of the Foreign Language Framework and Evaluation Criteria, and the Adoption Cycle

In 1997, the Curriculum Development and Supplemental Materials Commission (Curriculum Commission) began the development of the *Foreign Language Framework* by convening the Foreign Language Curriculum Framework and Criteria Committee that prepared an initial draft.

Subsequently, recognizing the necessity of providing a document that addresses flexibility for individual school district programs, the Curriculum Commission developed a revised draft incorporating the Language Learning Continuum. The Language Learning Continuum provides needed guidance for foreign language instruction as California students may begin foreign language studies at the elementary, middle, or high school levels.

The *Foreign Language Framework* was adopted by the State Board of Education on May 9, 2001. Chapter 8 of the framework defines the evaluation criteria for the 2003 Foreign Language Primary Adoption. The Language Learning Continuum Forms and Instructions and the Language Learning Continuum Forms for Classical Languages are an important part of the evaluation criteria.

B. Programs Appropriate for Submission to the 2003 Foreign Language Primary Adoption

1. The Basic Foreign Language Program

Education Code section 60010(a) defines basic instructional programs as “instructional materials that are designed for use by pupils as a principal learning resource and that meet in organization and content the basic requirements of the intended course.” Supplemental resources, meaning those resources for only a portion of the intended course, are not adopted by the Board, and therefore, are not appropriate for submission.

It is the intent of the evaluation criteria that this program be designed for use by the classroom teacher as the comprehensive curriculum which will ensure that all students master the course of study outlined within the *Foreign Language Framework* and the Foreign Language Evaluation Criteria. The basic program is not a partial program or supplemental resource.

C. Funding for Instructional Materials

Funding for instructional materials (excluding school library funding) as enacted in the 2002-2003 Budget Act has been reduced from \$422.8 million (2001-2002) to \$400.1 million (2002-2003). All dollar amounts in this section are current at the time of this printing; however, mid-year budget revisions are possible due to the budget crisis faced by the State of California.

The state budget for 2002-2003 contains some dramatic revisions of the instructional materials funding system. The existing system of funding, including the K-8 and 9-12 Instructional Materials Funds (IMFs) and the Schiff-Bustamante Standards-Based Instructional Materials Program K-12, has been replaced by the Instructional Materials Funding Realignment Program (IMFRP) for grades K-12. The distinction between K-8 and 9-12 that was evident in the original Instructional Materials Fund has been removed in this new program. In addition, **districts are now required by law to certify that they have purchased state-adopted, standards-aligned instructional materials for all students in the four core areas (history-social science, mathematics, reading/language arts, and science) before they can use any of these funds for supplemental items or non-core materials.**

Funding for the new IMFRP is initially set at \$250,000,000. The governor's initial proposal for the IMFRP assumed that the lower funding levels are appropriate because the major standards-aligned adoptions have now been completed in the core academic areas. The legislation that created the IMFRP, Assembly Bill 1781 (Hertzberg), included a "statement of intent" to gradually increase funding to \$600 million over the next four years, "subject to the availability of funds"; however, actual funding must still be appropriated by the Legislature in each budget year.

Local Education Agencies (LEAs) are required to purchase K-12 standards-aligned materials in the four core curriculum areas before they can spend funds on other instructional materials (i.e. basic programs in health, visual and performing arts, and foreign language; supplemental materials; K-4 library materials; etc.) pursuant to Education Code Section 60242. The State Board adopted emergency regulations at its December 2002 meeting that will be disseminated to the field following a legal review. LEAs are required to provide students with standards-aligned textbooks or basic instructional materials "by the beginning of the first school term that commences no later than 24 months after those materials were adopted by the State Board of Education." The State Board of Education has the option of granting LEAs additional time to meet the purchasing requirement if it meets certain criteria defined in the legislation.

In addition, a One-Time Instructional Materials Grant provides \$150,125,000 that will supplement the funds provided under the Instructional Materials Funding Realignment Program. These funds will be administered under the same rules as the IMFRP (i.e. LEAs must first demonstrate that they have standards-aligned materials in the four core areas before they can use these funds for other materials as defined in Education Code Section 60242).

A chart of the new instructional materials funding system, including the IMFRP, can be found in **Attachment I**.

D. Evaluation of Submissions

Each program submitted under the 2003 Foreign Language Primary Adoption shall undergo the following evaluations:

1. Subject Matter Content Review

A subject matter content review shall be conducted in each subject matter area. Foreign Language materials will be evaluated using the *Criteria for Evaluating K-8 Foreign Language Instructional Materials* [**Attachment A**]. The review for each submitted language program covered in the 2003 Foreign Language Primary Adoption shall focus on the intended grade level(s) for which the program has been submitted.

The *Foreign Language Framework for California Public Schools* is available on the CFIR website: <http://www.cde.ca.gov/cfir>, or you can purchase the documents by calling CDE Press at (800) 995-4099.

2. Legal Compliance Review

A review shall be conducted for legal compliance in accordance with the requirements of Education Code sections 60200, 60040, 60041, 60042, 60044, 60048, and the provisions of *Standards for Evaluating Instructional Materials for Social Content (2000 edition)*. A courtesy copy of this document will be provided for each publisher at the Invitation to Submit Meeting on January 29, 2003. Also, this document can be purchased by calling CDE Press at (800) 995-4099.

3. Public Review

The opportunity for public review shall be provided at the Learning Resources Display Centers (LRDCs) [**see Attachment J**] in accordance with Education Code section 60202 and CCR-5, section 9519. At the Learning Resources Display Centers, the public may review the programs submitted for adoption and make comments as to the programs' suitability for adoption under the 2003 Foreign Language Primary Adoption. Comments received from the public are made available to the members of the Curriculum Commission and the State Board.

Prior to recommending submitted programs for the 2003 Foreign Language Primary Adoption, the Curriculum Commission shall hold public hearings where all interested parties may present comments orally and/or in writing. Similarly, the State Board shall hold a public hearing where all interested parties may present comments orally and/or in writing prior to the State Board taking action to adopt or reject the instructional materials.

At the public hearings, oral presentations may be subject to time limits established by the presiding officer. These time limits are based on the number of individuals

wishing to speak. Time limits are frequently two to three minutes, but they may be reduced to one minute if the number of persons wishing to speak is extraordinarily large. Those wishing to speak should prepare their oral remarks accordingly. It is recommended that individuals wishing to present written testimony (whether separately or in addition to oral remarks) at any of the public hearing bring at least 50 copies for distribution to the members, staff and audience.

II.

Schedule of Significant Events **2003 FOREIGN LANGUAGE PRIMARY ADOPTION**

(Adopted by the State Board on April 24, 2002)

| Dates | Key Events |
|----------------------------|---|
| May 9, 2001 | State Board adopts Foreign Language Framework and evaluation criteria |
| June 2002 | Meeting with publishers to review Foreign Language Evaluation Criteria |
| May-Sept. 2002 | Recruit Foreign Language (FL) Instructional Materials Advisory Panel (IMAP) and Language Experts (LE). |
| November 2002 | Commission votes to recommend FL IMAPs and LEs to State Board of Education (SBE) |
| November 20, 2002 | Notification of FL Invitation to Submit Meeting sent to producers and publishers of instructional materials. |
| December 20, 2002 | Deadline for publisher response to Invitation to Submit Meeting (ITS). |
| December 2002-January 2003 | SBE action on IMAP and LE nominees. |
| January 29, 2003 | Invitation to Submit meeting for representatives of publishers/producers. |
| March 3, 2003 | Deadline for receipt by California Department of Education (CDE) of submission CD-ROM, technology requirements, and Publisher's Checklist indicating Alternate Sampling Plan requests (Alternate Sampling Plan is Optional) and summary giving details of planned submission. |
| March 24-27, 2003 | IMAP & LE training and publisher presentations. |
| March 28, 2003 | Deadline for publishers to request written permission from CDE to sample in other than final form materials |
| April 10, 2003 | Deadline for receipt of instructional resource samples submitted for adoption documentation by all designated evaluation/shipping locations |
| April 15, 2003 | Distribution of requests for price quotations by CDE |
| April 2003 | Materials on display at Learning Resource Display Centers (LRDCs) throughout the state. Forms for public comment are available at the centers. |
| May 21-23, 2003 | Legal and Social Compliance Review |
| June 13, 2003 | Distribution of notices of noncompliance with social content requirements to publishers/producers |

| Dates | Key Events |
|-------------------|---|
| June 16, 2003 | Deadline for receipt by CDE of price quotations, including transportation costs |
| June 25, 2003 | Deadline for publishers/producers to withdraw from the adoption |
| July 7-10, 2003 | Deliberations by LEs and IMAPs |
| July 14, 2003 | Deadline for receipt by CDE of publishers' responses to noncompliance notices (legal compliance) |
| September 2003 | Curriculum Commission Meeting: Public hearings conducted by Subject Matter Committee and full Commission; Commission takes action (Note: Three day Commission Meeting). |
| Sept-Oct 2003 | Required 30-day public display of recommended resources at LRDCs. Forms for public comment are available at the centers. |
| October 2003 | Public notification regarding LRDC public display of recommended resources for adoption |
| November 2003 | Curriculum Commission presents recommendations to State Board of Education (SBE); SBE conducts public hearing (Info/Action) |
| December 2003 | State Board action required to meet primary adoption timeline |
| Dec-Jan 2003-04 | Finalize SBE Report for CDE website |
| Dec 2003-Jan 2004 | Distribution of Price Lists and Order Forms to school Districts |
| January 2004 | Post adoption briefing for all approved publishers |
| Feb. 2004 | Deadline for receipt of final printed resources reflecting legal compliance correction (60 days after SBE action) |
| Feb. 2004 | Deadline for publisher to send materials for Braille Transcription |

III. Publisher Responsibilities in the 2003 Foreign Language Primary Adoption

A. Submissions

This document is distributed to all publishers who have notified the IR Unit of their interest in participating in the 2003 Foreign Language Primary Adoption.

In response to this *Invitation to Submit*, publishers submit lists of all programs that they desire to be adopted for use in California schools. The lists shall include a description of each program that a publisher submits for the adoption, and include all of the program's components. Further instructions are included in the section entitled, "Distribution of Samples." In addition, publishers must identify whether an item is for use by the student, the teacher, or the parent. A CD-ROM, Contact Form, and instructions to input information regarding the submissions will be supplied to each requesting publisher [see **Attachment D**].

1. Instructional Materials

a. Instructional Materials Appropriate for Submission

Basic programs (including any separately identified components). Education Code section 60010(a) defines basic instructional programs as "instructional materials that are designed for use by pupils as a principal learning resource and that meet in organization and content the basic requirements of the intended course." The teacher resources addressing how all elements of the submission, including any separate components (e.g., literature books, audiotapes, computer software, etc.), are to be used.

b. Alternate Formats of Instructional Materials Appropriate for Submission

- (1) Alternate formats are instructional materials that are identical in content but differ in physical format (e.g., hardcover or soft cover, audiotape or compact diskette, single color or multicolor, software that is in multiple versions for use on different computer operating systems).
- (2) To facilitate identification, publishers should list alternate format items immediately following the *student's resources* to which they are an alternate and answer "Yes" on the computer CD-ROM field for alternate formats.

c. Use of Abridged, Adapted, or Excerpted Literary Works

Publishers of instructional materials shall indicate which literary works have been abridged, adapted, or excerpted (e.g., on the table of contents,

copyright page, back of the title page, or at the beginning of such a literary work). This information must appear in both the student's edition and the teacher's edition. Detailed descriptions of the changes must be made available from the publisher upon the request of the Department or any local education agency.

Publishers are strongly encouraged to include the detailed descriptions at the beginning of each literary work so that teachers are appropriately informed. This description would ideally include a brief rationale for the changes. A possible format follows:

"Digging Up Dinosaurs," adapted from *Digging Up Dinosaurs* by Alikı Brandenberg (Thomas Y. Crowell). Copyright 1981 by Alikı Brandenberg. Adapted and reprinted by permission of Harper & Row Publishers, Inc., and the Bodley Head, Ltd.

Student Edition pages:
Description of change:
Rationale:

Additional information on this practice can be found in *Resolution on Opposing Abridgment or Adaptation as a Form of Censorship* by the International Reading Association (IRA), as adopted by the IRA's Delegate Assembly in 1988.

d. Identification of Authors, Consultants, Reviewers, and Others Involved in the Development of Instructional Materials

In both the teacher resources and student resources, publishers must list authors, reviewers, consultants, advisors, field-test teachers and others who actually contributed to the development of the materials. Please indicate, for those who are listed, in what capacity they served. Publishers must provide additional related information upon request by the Department or any local education agency.

e. Customized Instructional Resources

Publishers are encouraged to consider customizing instructional materials. For example, computer software can make it possible to select and sequence specific chapters; to update resource references in those chapters; to facilitate the production of Braille; to provide access to text for students who cannot benefit from traditional print versions of books; to include descriptions of graphics and to include pertinent primary sources as well as other related resources. Through the application of technology, publishers can make materials accessible to all students.

f. Formats for Instructional Materials

Instructional materials should encourage active learning and encompass a range of materials sufficient to meet the needs of students at various benchmarks and strategic levels of intervention. The teacher must not be expected to create extensive modifications in order to meet the learning needs of a full range of students.

Internet Web site and/or technology-based programs that are an integral component of a submitted program must remain unchanged throughout the period of the adoption. Publishers must submit a Statement of Assurance that the content of the programs that was evaluated **will not change** during the duration of the adoption cycle. Instructions for submitting the Statement of Assurance will be sent by the IR Unit to publishers that submit a technology based program.

Recognizing that the range of performance and ability of students varies greatly, producers and publishers must apply universal design strategies when creating learning resources. Learning resources should be designed to accommodate a full array of learners, including English learners and students with disabilities. Traditional print materials such as textbooks and workbooks should have sharp, clear, high contrast fonts and print materials intended for grades K-2 must have fonts that are at least 20 point. Materials in any video format should be closed captioned for the hearing impaired and audio recordings of books should be available in digital and analog formats. Internet resources intended for student, parent, or teacher use must meet or exceed Department web accessibility standards and specifications. In addition, digital learning resources shall be universally designed to include controls for users wishing to adjust images, sounds, colors, contrast, print size, or other inherently transformable attributes to match individual performance and abilities.

Software products and Web sites should be designed to improve usability for all users, including those with disabilities. It is further recommended that videos, videodiscs, and digital videodisc (DVD) be captioned for the hearing impaired and include audio descriptions for the visually impaired. Publishers must provide computer files of print materials intended for student use to facilitate the production of Braille if such files are provided to other states. The format of the computer files should be equivalent to the quality of files produced for publishers by the American Printing House for the Blind and must be compatible with commonly used Braille translation software. Attention must also be given to the design of traditional print materials. Font size, font style, high contrast, elimination of the use of high gloss glare producing papers, and overwhelming visual and print stimuli remain important considerations.

A variety of design resources exist to help make learning resources more accessible to more students. Publishers are encouraged to investigate the Department's Clearinghouse for Specialized Media & Technology (CSMT) Website at www.cde.ca.gov/csmt or contact the CSMT directly at (916) 445-5103.

g. Use of Safe Art Supplies in Instructional Materials

Any art and craft supplies listed or suggested for use in any submission must comply with Education Code sections 32060-32066. These provisions: (1) prohibit the purchase of any toxic art or craft supplies for use in kindergarten and grades one to six, and (2) allow the purchase and use of toxic art supplies in grades seven through twelve only if the materials display a warning label. Art or craft supplies are defined as “any raw or processed material or manufactured product marketed or being represented by the manufacturer or repackager as being suitable for use in the demonstration or the creation of any work of visual or graphic art of any medium. These media may include, but shall not be limited to, paintings, drawings, prints, sculpture, ceramics, enamels, jewelry, stained glass, plastic sculpture, photographs, and leather and textile goods.”

For further information regarding arts and craft supplies, please contact Don Doyle of the Academic Standards and Resources Unit, (916) 323-2469.

h. Accuracy Issue

It is the responsibility of publishers submitting programs to ensure the accuracy of the materials to be evaluated and approved, pursuant to Education Code section 60200(c)(3). While the LEs and IMAPs will include recommended corrections and edits, publishers must ensure complete accuracy of all instructional materials submitted.

2. Submission Address and Schedule

On or before 5:00 p.m. (PST), March 3, 2003, publishers must provide the following items to the IR Unit:

1. A list of instructional materials on CD-ROM
2. Program descriptions
3. System requirements and contact person for technology-based programs
4. Publishers' checklist

Receipt of submission information after this deadline shall result in disqualification of the instructional materials from further consideration in the 2003 Foreign Language Primary Adoption unless publishers are able to

show extenuating and compelling circumstances beyond their control (e.g., natural disaster) that prevented them from meeting the deadlines. It is suggested that publishers deliver the CD-ROM and required information in person, or send them by Certified Mail so that delivery by the deadline is confirmed.

Please deliver to:

Instructional Resources Unit
Attn: Suzanne Rios, Administrator
California Department of Education
1430 N Street, Room 6208
Sacramento, CA 95814

Note: Any subsequent changes to the information on a submission list should be sent in writing to the IR Unit at the above address.

3. Forms for Submissions of Instructional Materials

A CD-ROM, contact form, and instructions will be supplied to each requesting publisher participating in the 2003 Foreign Language Primary Adoption.

4. Sampling Guidelines and Procedures

Upon receipt and review of the submission CD-ROM from each publisher, the Department will request samples of programs accepted for evaluation.

a. Sampling Procedures

The Department will distribute the following to participating publishers:

- (1) List of items accepted for review with identification numbers.
- (2) Packaging, distribution, and receipt deadline instructions.
- (3) List of addresses for the initial distribution of samples. Up to 80 sets may be required to be distributed.

b. Distribution of Samples

- (1) All samples shall be shipped by publishers to all designated destinations free of charge. No shipping, handling, sample, or other costs may be charged to the State Board or its members, the Curriculum Commission or its members, the Department or its personnel, the Learning Resources Display Centers or their personnel, or to members of the IMAPs or LEs.

- (2) It is the responsibility of participating publishers to ensure that materials are delivered to and off-loaded at the designated address within the specified time period. *Publishers are to instruct delivery agents not to leave materials on loading docks unless so authorized.*

Participating publishers are expected to label all items sampled to the Learning Resources Display Centers. The Learning Resources Display Centers use the information on the label to display materials in proper order and to identify easily where items are to be appropriately shelved (or otherwise stored) following temporary removal for review.

- (3) Labels should be placed in easily visible locations (e.g., bottom of the back of a book, next to the spine). Please do not place labels on shipping packages, shrink-wrap, or other items that may be discarded. It is not necessary to label any item that is a component of another item.

An example of an appropriate label to be affixed to an item is shown below:

| | |
|-------------------|------------------|
| Sequence Code No. | 00020 |
| Subject: | Foreign Language |
| Publisher Name: | ABC Publishing |
| Series Title: | ABC Spanish |
| Grade Level: | 7 |
| Item Title: | Student Edition |
| Copyright: | 2002 |

- (4) Participating publishers must include a description of programs submitted and the purpose of program components. This information will be used to better understand the program as well as assist in appropriate display.
- (5) All samples, Language Learning Continuum Forms, and program descriptions (a narrative description not to exceed six pages, single spaced, explaining how the program works for its clients [e.g. teachers, students, and/or parents/guardians]), shall be received by the designated recipients on or before 5:00 p.m. (PST), April 10, 2003. The Department will notify all publishers of the recipients for samples in a bulletin that will be sent following the March 3, 2003, deadline for receipt of their program submission(s). In addition, publishers shall provide a list of all the components in a submitted program. Please place the program name and grade level(s) on each box.

Failure to meet the deadline for delivery of samples shall result in disqualification of the items from further consideration in the 2003 Foreign Language Primary Adoption, unless the publisher can show extenuating and compelling circumstances beyond the publisher's control (e.g., natural disaster) which prevented timely delivery.

- (6) It is the responsibility of each publisher to retrieve from the Learning Resources Display Centers (LRDCs) all samples for programs not added to a list of adopted instructional materials by the State Board. Publishers may retrieve their non-adopted instructional materials samples from the Learning Resources Display Centers for a period of 30 days after the State Board's decision. All programs are to be retrieved by publishers without any cost to the Learning Resources Display Centers or their personnel. Publishers shall supply, at no cost, any packing materials necessary for the return of requested materials. Instructional materials not retrieved within the 30-day period will be disposed of or donated for educational use. The samples provided to members of the State Board, Curriculum Commission, IMAPs, and LEs, as well to Department personnel, may be (a) offered back to the publishers, (b) retained by the members, or (c) donated by the members, provided that, if donated, the samples be used to benefit public education in California.

c. Sample Requirements

- (1) All samples must be in final form (i.e., a form that will be offered for purchase over the period of adoption), unless written permission to submit samples in other than final form is obtained from the IR Unit before the samples are shipped. The IR Unit may permit submission of materials in other than final form, provided that all written text (in manuscript form), audio recordings (or manuscript of text that will be read on audio recordings) and visual images are provided, as they will appear in the materials' final form. A limited exception is set forth below for manipulative kits.

If a publisher is submitting a manipulative kit, a sample kit will be acceptable in place of a full kit, except for any manipulative kit provided directly to the Department. A sample kit is defined as a kit containing the smallest number of every item in the full kit (minimum of one) necessary for one person to conduct all activities encompassed by the full kit. The sample kit must include a list of the contents of the full kit. Learning Resources Display Centers prefer sample kits because of space limitations.

- (2) A separate International Standard Book Number (ISBN) facilitates the identification of each program or separate program component satisfying the ISBN evaluation criteria. For specific information regarding assignment and use of ISBNs, please contact:

R. R. Bowker Company
ISBN Agency
121 Chanlon Road
New Providence, New Jersey 07974
(877) 310-7333

Programs or separate program components that do not meet ISBN evaluation criteria and/or have not been assigned ISBNs should be identified by some other number/letter combination. Publishers are asked to limit this identifier to no more than 13 characters.

- (3) If an item is available in more than one format, the following special provisions apply: for all types of alternate formats (e.g., hardcover and soft cover books, videotapes and videodisks, computer software for different operating systems), it is not necessary to initially provide more than one format as a sample. Due to space limitations, Learning Resources Display Centers may be unable to display more than one format. If alternate formats are included on the list of adopted instructional materials under the 2003 Foreign Language Primary Adoption, one copy of those alternate formats must then be supplied to any requesting Learning Resources Display Centers (LRDCs). A specific request to sample one format over another may be made by the Department at the time sampling instructions are issued.
- (4) Publishers of instructional materials may be asked to supply software or equipment that will be needed to view or otherwise use the materials if that software or equipment is not available at the Learning Resources Display Centers.

In addition, publishers who submit technology-based programs or programs with technology-based components must provide a hard copy of all print and pictures contained within the program(s) if requested. The Department will provide reasonable advanced notice.

The following guidelines will be used when requesting publishers to supply software or equipment:

- (i) A maximum of 12 units of standard items, e.g., video cassette players, personal computers (depending on the

nature of the submission), computer operating systems, CD/DVD players, monitors, etc.

- (ii) A maximum of 26 units of non-standard items that are not widely available.

Publishers may be asked to provide software or equipment from the sampling date to the date of final action by the State Board. If their submissions are included on the list of adopted instructional materials, publishers may be asked to provide software or equipment at the identified sites for one year from the date of final action by the State Board.

- (5) After the final date for delivery of samples, changes, or modifications to instructional materials during the review period by the publisher shall result in disqualification of the instructional materials from consideration in the 2003 Foreign Language Primary Adoption, unless the changes or modifications are made pursuant to the State Board's direction regarding content or legal compliance reviews. *If included on the list of adopted instructional materials, a submission's content or format shall not be changed except with the written consent of the Department.*
- (6) Samples of instructional materials adopted by the State Board must be available at Learning Resources Display Centers for a minimum of two years from the deadline for receipt of samples as specified in the Schedule of Significant Events.

d. Shipment Verification

Shortly after sample receipt deadlines, the Department shall conduct an inventory of instructional materials received at the Learning Resources Display Centers. Publishers will be notified of missing components and will be required to complete shipments.

Major sample distribution errors or failure to respond on a timely basis to the Department's sampling requirements or the Department's request for corrective shipments may result in disqualification of a submission.

e. Alternate Sampling Plan

Publishers may sample all components or request approval for an alternate sampling plan [see **Attachment E**]. These plans are due in the IR Unit no later than 5:00 p.m. March 28, 2003. Publishers must ensure when selecting an alternative sampling plan that IMAP and LE members will have sufficient samples to evaluate the program in its entirety.

5. Withdrawing from the 2003 Foreign Language Primary Adoption

Publishers are discouraged from withdrawing their instructional materials from the 2003 Foreign Language Primary Adoption after the materials have been submitted. Any such withdrawal of submissions will be noted in the Curriculum Commission's report to the State Board and may be noted in any final action report prepared by the State Board. **Moreover, no publisher may withdraw a submission after June 25, 2003 unless approved by the Department.**

6. Analysis of Submissions in Relation to Requirements of Statute and Regulations, and Evaluation Criteria

As a condition of participation in the 2003 Foreign Language Primary Adoption, publishers are required to return, by April 10, 2003, a completed version of the *Language Learning Continuum Form* (LLC) for their submitted program. This form, a blank version of which is available on the CFIR Website at www.cde.ca.gov/cfir and as Attachment B of this *Invitation to Submit*, must be completed by publishers with citations showing where their program meets the criteria outlined in the LLC. Program submissions in classical languages (i.e. Latin or ancient Greek) must be accompanied by a completed *Language Learning Continuum Form for Classical Languages*, which is included as Attachment C. Instructions for completing both forms are attached to each of these documents. Failure to return the completed LLC form by the specified deadline shall result in the submission's disqualification. **The completed LLC form shall be provided on a CD-ROM and in hard copy.** For compelling reasons beyond the publisher's control (e.g., natural disaster), the specified deadline may be extended on a case-by-case basis with the written permission of the Department.

B. Evaluation of Instructional Materials Submissions

1. Legal Compliance Review

- a.** Instructional materials submitted under the 2003 Foreign Language Primary Adoption shall be reviewed for legal compliance in accordance with Education Code sections 60200, 60040, 60041, 60042, 60044, 60048, and the publication entitled *Standards for Evaluating Instructional Materials for Social Content (2000 edition)*. Publishers are notified of the results of the legal compliance review. If an item is found to be out of compliance, the publisher has three options:

 - (1) *The item may be revised to bring it into compliance.* If a publisher chooses to revise the submission to bring it into compliance, the publisher shall notify the Department in writing of the proposed

revision(s) within 30 days from the postmark date of the Department's written notification of noncompliance. Any proposed revision(s) must be approved by the Department, the Curriculum Commission (first-level appeal), or the State Board (second-level appeal). A finished copy of any revised instructional materials is due at the Department by February 2004 (exact date TBA). The IR Unit must be notified as to how the revised instructional materials are to be distinguished from the original version (e.g., a new ISBN number may be assigned). Failure to bring items into compliance will result in disqualification of the materials and, if already added to a list of adopted instructional materials, revocation of the item's adoption status.

- (2) *The finding of noncompliance may be appealed.* If a publisher chooses to appeal a citation of noncompliance, the publisher shall notify the Department in writing of the intent to appeal within 30 days from the postmark date of the Department's written notification of noncompliance. The appeal shall be limited to consideration of citations of noncompliance identified during the initial legal compliance review.

If the first-level appeal upholds the finding of noncompliance and the publisher intends to make a second-level appeal to the State Board, the publisher shall notify the Chair of the Curriculum Commission of the intent to appeal within ten days following the postmark date of the Curriculum Commission's written decision to uphold the finding of noncompliance. A second-level appeal to the State Board shall be limited to consideration of revisions or issues raised during the first-level appeal.

- (3) *The item may be declared noncompliant and disqualified.* The publisher may choose not to take any action and, thereby, allow the item to be declared noncompliant and disqualified from inclusion on the list of adopted instructional materials. Once an item has been eliminated for this reason, the Curriculum Commission will be so notified.

- b. Instructional materials approved for legal compliance do not need to be reevaluated unless the materials have changed substantially or the State Board's legal compliance standards and evaluation criteria are amended to the extent that, in the State Board's judgment, a reevaluation is necessary. If materials have already been approved for legal compliance, the publisher is asked to enclose a copy of the approval letter(s) with the submission form so that another legal compliance review will not be conducted.

- c. If an item is not added to the list of adopted instructional materials under the 2003 Foreign Language Primary Adoption but has been approved for legal compliance, the Department will place the item in the approved Legal Compliance Catalogue. **Publishers must clearly represent such items as “approved for legal compliance” or “approved for social content compliance” but not as “state approved,” “state adopted,” or any other term or phrase implying that the item has been approved or adopted by the State Board, Curriculum Commission, Department, or other agency of state government. Misrepresentation may result in deletion of the affected item from the list of materials approved for legal compliance.**

2. Language Expert and Instructional Materials Advisory Panel Reviews

An important activity in the California Adoption Process is the education content review process. CCR-5 Section 9516 governs the selection of members for this review process. This review process involves the participation of task force members referred to as: Language Experts (LEs) and Instructional Materials Advisory Panelists (IMAPs). The LEs consist of subject matter experts who review the submitted instructional materials for accuracy, adequate coverage, current and confirmed research, and for alignment with the Language Learning Continuum. The IMAPs review the instructional materials for the evaluation criteria as adopted by the State Board. The LEs and IMAPs provide the Curriculum Commission with their findings and recommendations on the submitted instructional materials.

LE and IMAP training will take place March 24-27, 2003, in the evaluation criteria that will be used to review the submitted instructional materials. They will be given a “note taking and report writing guide” to assist them in their independent reviews during the months of April, May, and June.

LEs and IMAPs will reconvene July 7-10, 2003, for deliberations and to prepare a consensus report on each of the submissions, along with a recommendation to the Curriculum Commission to recommend or not to recommend each submission to the State Board.

All of these meetings are open to the public. Publishers are given a formal opportunity during the Question and Answer session during deliberations to clarify issues and to provide additional information. However, publishers cannot add to or change the content of any of the submissions. The final IMAP/LE reports and recommendations shall be made available to the public once approved and signed by each participating panelist.

3. Contact with LE and IMAP Members

Publishers or manufacturers of instructional materials shall not contact LE or IMAP members. The exceptions are during the specified times in the Schedule of Significant Events (deliberations) and in the prescribed manner, to discuss anything related to the

evaluation of the submissions or the potential inclusion of submissions on the list of adopted instructional materials. Contact initiated by publishers with LEs and IMAPs is prohibited other than during the scheduled times and in the prescribed manner. LEs and IMAPs are required to report any such contact to the Department. Inappropriate contact may lead to disqualification of a publisher's submission(s) from further consideration in the 2003 Foreign Language Primary Adoption, legal action, or both. However, publishers may continue to contact those IMAP and LE members with whom they have meetings in the normal course of the members' local school/county office of education/ or board duties. LEs and IMAPs shall not discuss any submission(s) under consideration with publishers.

At no time before or after the final action by the State Board, shall publishers or manufacturers publicize in any marketing of instructional materials any part of the draft or final IMAP/LE reports or recommendations, Curriculum Commission reports, or State Board Adoption report. This includes publicizing other publishers' IMAP/LE reports or recommendations, Curriculum Commission reports, or State Board Adoption report. Such action may be reported to the State Board and may result in the program being removed from the adopted list.

C. Price Quotation Submissions

The Department shall distribute to participating publishers preprinted "Price Quotation on Instructional Materials" forms [see **Attachment G**]. These documents are used to both (1) submit initial prices for new materials being considered for inclusion on the list of adopted instructional materials, and (2) submit biennial price adjustments for adopted materials. **All price adjustment submissions must be in compliance with Education Code section 60061.**

On or before 5:00 p.m. (PST), June 16, 2003, publishers shall submit to the Department price quotations for the sale of completed instructional materials, including all transportation costs. The rate submitted is to reflect both the price of the instructional materials and the prepaid freight to any ordering point (e.g., district office) in California.

The prices submitted by publishers on "Price Quotation on Instructional Materials" forms will be in effect until July 1, 2006. Beyond this date, any changes made will remain in effect for a two-year period. **Prices may not be increased after the final filing date of the price quotation forms until the next scheduled biennial price update; however, it is the publisher's responsibility to notify the Department immediately of any item price reductions.**

D. Curriculum Commission Report and Recommendations

The Curriculum Commission shall review the IMAP and LE findings, and the Curriculum Commission shall hold public hearings in accordance with the Schedule of Significant Events. Based on the information received, the Curriculum Commission shall prepare reports on the instructional materials submitted under the 2003 Foreign Language Primary Adoption. The Curriculum Commission shall also prepare a recommendation to the State Board to take action to adopt or reject each submitted program.

E. State Board Action

Following a public hearing on the Curriculum Commission's recommendations, taking into account the totality of the information it receives, the State Board shall take final action to adopt or to reject each submission. The 2003 Foreign Language Primary Adoption list will be valid through June 30, 2012. Thereafter, the Department shall notify participating publishers of the State Board's actions. With regard to submissions included on the list of adopted instructional materials, the Department may request the submission of additional samples.

The State of California shall have the right to transcribe, reproduce, and distribute any submissions included on the list of adopted instructional materials under the 2003 Foreign Language Primary Adoption in Braille, large print, recordings, or other accessible media for use by pupils with disabilities. This right shall include computer diskette versions of print materials if made available to any other state and those corrections and revisions as may be necessary (see Education Code sections 60061(g), 60312, and 60313). For further information regarding specialized media, contact the Clearinghouse for Specialized Media and Technology, 560 J Street, Suite 390, Sacramento, California, 95814; telephone, (916) 445-5103.

IV. Ordering and Distribution Process

A. Local Education Agency Ordering

Orders for state-adopted instructional materials purchased with local funds are placed directly with publishers. Districts may begin placing orders for newly adopted instructional materials any time after they have been adopted. Publishers should note that Education Code sections 60071-60073 prohibit publishers from offering local school officials any emolument, money, or valuable thing as inducement for school officials directly or indirectly to influence the adoption or purchase of any instructional materials.

With respect to the purchase of instructional materials by a local education agency, publishers shall comply with the following requirements:

1. The provisions of Education Code sections 60061 and 60061.5

Education Code sections 60061 and 60061.5 place a number of duties on publishers of instructional materials. All of these duties must be fulfilled. One of the duties—the providing of materials free of charge in this state to the same extent as that received by any state or school district in the United States—has been the source of some misunderstanding and has been clarified in CCR-5, section 9527, the provisions of which are summarized in the following paragraph.

Instructional materials must be supplied free of charge in California to the same extent as they are offered or supplied free of charge elsewhere in the United States. State law requires that if a publisher is providing gratis items to school districts in California, they must provide gratis items to the same extent provided

in other states and in other California school districts [Education Code section 60061(3)]. Elementary and middle school districts are authorized under law to collect three times the total value of the instructional materials and services that the governing board is entitled to receive free of charge under subdivision (a) of Education Code section 60061, if the publisher violates this provision.

If materials are provided free of charge, publishers must notify the Instructional Resources Unit in writing within 30 working days of the effective date of the offer so that all school districts may have the opportunity to order these materials. Publishers are responsible for notifying districts of their free offerings. Failure or refusal by a publisher to inform the Department within this period shall constitute a rebuttable presumption that the violation of Education Code section 60061 was willful. Free materials must comply with the requirements of Education Code sections 60040-60048 and 60200 and the publication entitled *Standards for Evaluating Instructional Materials for Social Content (2000 edition)*.

2. Quality of Workmanship

Instructional materials furnished and delivered to local education agencies by publishers shall conform to and be of the same quality of workmanship as the samples of the respective instructional materials submitted to the Department, except that the instructional materials shall also include all revisions, corrections, additions, and substitutions required by the State Board at the price adjusted by the State Board and the publisher.

3. Manufacturing Standards and Specifications

Upon the request of any local education agency, a publisher shall provide a copy of any manufacturing standards and specifications for the instructional materials with which the publisher is currently in compliance.

4. Discontinuation of Instructional Materials

Discontinuation of instructional materials before the expiration of the period of adoption under the 2003 Foreign Language Primary Adoption may cause a hardship on local education agencies by limiting their ability to order additional copies or to reorder components necessary for the use of the programs. Should a publisher stop supplying an instructional materials program (in whole or in part) before its adoption expiration date without having received prior written permission to do so from the local education agencies that purchased the program, the publisher shall buy back all copies of the affected program purchased by any local education agency that did not provide prior written permission. ***The buy back shall occur at the request of an affected local education agency, and the buy back price shall be that in effect pursuant to the purchase order or agreement at the time the program (in whole or in part) is discontinued.*** With

the written consent of the Department, a publisher may discontinue instructional materials for which no orders have been placed in the preceding two years.

B. Delivery of Instructional Materials

Publishers of programs put on the list of adopted instructional materials under the 2003 Foreign Language Primary Adoption must deliver ordered materials within 60 days following receipt of a purchase order. The failure of a publisher to perform under the terms of any purchase order or agreement disrupts and delays the educational process in a local education agency and causes loss and damage to affected schools, their students, and the public interest. Failure includes: (1) late delivery or non-delivery of instructional materials; (2) discontinuation of instructional materials without prior approval, as discussed above; and (3) delivery of unauthorized instructional materials.¹ It is difficult to assess and fix the actual damages incurred due to the failure of a publisher to perform under the terms of a purchase order or agreement. Therefore, publishers shall comply with any of the following requirements made by local education agencies (with respect to failures to perform) as compensating or liquidating damages, but not as penalties:

1. Delivery of Unauthorized Instructional Materials

Should the publisher or producer deliver unauthorized instructional materials to a local education agency, on written notice from the agency, the publisher shall comply with the following requirements:

- a.** Withdraw the delivered unauthorized instructional materials from the local education agency.
- b.** Replace the unauthorized instructional materials with authorized instructional materials that are comparable in subject matter content, quality, quantity, and price in the California schools.
- c.** Incur all costs of transportation or any other costs involved to complete the transactions of withdrawing and replacing unauthorized instructional materials.
- d.** Complete the transactions of withdrawing unauthorized instructional materials and replacing them in the local education agency with comparable authorized instructional materials within 60 calendar days of the receipt of written notice from the agency.

¹ For the purposes of this section, unauthorized instructional materials are those that do not appear in exact description and terms in the purchase order or that have not been approved for delivery to California schools in written notice to the publisher from the State Board or Department.

2. Late Delivery or Non-Delivery

Should the publisher fail to deliver instructional materials within 60 days of the receipt of a purchase order from the local education agency and the publisher had not received prior written approval from the agency for such a delay in delivery, which approval shall not be unreasonably withheld, the agency may assess as damages an amount up to five hundred dollars **(\$500.00)** for each working day the order is delayed beyond **60 calendar days**. If late delivery results from circumstances beyond the control of the publisher, the publisher shall not be held liable. Pursuant to this section, the maximum dollar amount that shall be assessed against the publisher from any individual purchase order shall be twenty thousand dollars **(\$20,000.00)**. Should the local education agency take such action, the agency shall give the publisher written notification of the delivery delay and the date commencing the accrual of dollar amounts to be assessed against the publisher.

V. Additional Information Relating to Instructional Materials

A. Petition Process for Non-adopted Instructional Materials

The State Board of Education has not, at the time of this printing, adopted regulations for waivers and/or petitions regarding the new Instructional Materials Funding Realignment Program.

For more information about the conditions and limitations on local funding for instructional materials, please contact the Instructional Resources Unit. For more information on the waiver process please visit <http://www.cde.ca.gov/waiver/>.

B. Alternate Formats Developed Subsequent to the Adoption of Instructional Materials

1. Physical Format

If publishers develop alternate formats after the inclusion of their submission on the list of adopted instructional materials, these alternate formats may be submitted at any time during the period of adoption. Publishers are asked to provide the IR Unit with a copy of newly developed alternate formats. Alternate formats developed after the addition of a submission to a list of adopted instructional materials shall be given the same adoption termination date as the original formats. Alternate formats available at the time of addition to a list of adopted instructional materials will be included on the Price List and Order Form (PLOF) issued immediately after the completion of the State Board's action. Alternate formats developed later will be included on the PLOF via periodic updates.

C. Out-of-Cycle Legal Compliance

Legal and social compliance reviews are conducted as part of the adoption process. However, there is also a provision for reviewing materials for legal compliance outside of the regular adoption cycles. All instructional materials must have passed legal compliance to be eligible for use, even if non-state funds are used for their purchase.

Publishers desiring to submit K-8 instructional materials for out-of-cycle legal compliance and inclusion on the list of *Instructional Materials Approved for Legal Compliance* should contact the IR Unit to determine the fee and sampling requirements. *Legal Compliance Catalog* is maintained on the Department's website (<http://search.cde.ca.gov/legal/>).

Publishers are cautioned not to represent instructional materials as “state adopted” or “state approved” if they have only been approved for legal compliance. Misrepresentation of the facts could result in a recommendation to the State Board for disqualification of all of a publisher’s instructional materials, including those previously adopted by the State Board.

D. Price List and Order Form (PLOF) Distribution

All current state-adopted instructional materials are listed in Department-produced subject Price List and Order Forms (PLOFs). Complimentary copies of the PLOFs are mailed to publishers of adopted instructional materials. Copies of the PLOFs for various subjects are maintained on the Department Website (<http://www.cde.ca.gov/cfir/pl/index.asp>).

E. New Edition Substitutions

Upon written request by a publisher, the Department may approve a new edition of a program to replace the original edition on the list of State Board adopted instructional materials under the 2003 Foreign Language Primary Adoption, provided that:

1. Changes contained in the new edition are so minimal that both the new edition and the old edition may be used together in a classroom environment. **No content changes or content additions are allowed; however, factual inaccuracies that have been identified by a publisher or the public and confirmed by the Department should be submitted for correction so that all content is accurate.** (Technical upgrades of computer software that do not contain educational or social content changes shall be exempt from this requirement).
2. The changes meet legal compliance requirements of Education Code sections 60040-60044, 60048, and 60200, and *Standards for Evaluating Instructional Materials for Respect Social Content* (2000 edition).

The price of the original edition or a lower price shall apply until the next scheduled biennial price adjustment for that subject area.

When a publisher submits a request to substitute a newer edition of an adopted item, the Department will verify the suitability of the substitution. Once approved by the Department, the new edition will automatically be placed on the adoption list for the same adoption period as the original edition.

Unauthorized substitutions of state-adopted instructional materials are illegal and may subject the publisher's program to removal from the State Board adopted list. For more information, refer to section IV of the document, Ordering and Distribution Process.

F. Publisher Responsibilities

Publishers shall comply with all applicable statutes and regulations, including, but not limited to, Education Code Section 60061, under which publishers shall:

1. Furnish the instructional materials offered by the publisher at a price in this state that, including all costs of transportation to that place, does not exceed the lowest price at which the publisher offers those instructional materials for adoption or sale to any state or school district in the United States.
2. Automatically reduce the price of those instructional materials to any governing board to the extent that reductions are made elsewhere in the United States.
3. Provide any instructional materials free of charge in this state to the same extent as that received by any state or school district in the United States.
4. Guarantee that all copies of any instructional materials sold in this state are at least equal in quality to the copies of those instructional materials that are sold elsewhere in the United States, and are kept revised, free from all errors, and up to date as may be required by the state board.
5. Not in any way, directly or indirectly, become associated or connected with any combination in restraint of trade in instructional materials, or enter into any understanding, agreement, or combination to control prices or restrict competition in the sale of instructional materials for use in this state.
6. Maintain a representative, office, or depository in the State of California or arrange with an independently owned and operated depository in the State of California to receive and fill orders for instructional materials.
7. Provide to the state, at no cost, computer files or other electronic versions of each state-adopted literary title and the right to transcribe, reproduce, modify, and distribute the material in Braille, large print if the publisher does not offer a large print edition, recordings, American Sign Language videos for the deaf (as appropriate), or other specialized accessible media exclusively for use by pupils with visual disabilities or other disabilities that prevent use of standard instructional materials. Computer files or other electronic versions of materials adopted shall be

provided within 30 days of request by the state as needed for the purposes described in this subdivision as follows:

- a. Computer files or other electronic versions of literary titles shall maintain the structural integrity of the standard instructional materials, be compatible with commonly used Braille translation and speech synthesis software, and include corrections and revisions as may be necessary.
- b. Computer files or other electronic versions of nonliterary titles, including science and mathematics, shall be provided when technology is available to convert those materials to a format that maintains the structural integrity of the standard instructional materials and is compatible with Braille translation and speech synthesis software.

Upon the willful failure of the publisher or manufacturer to comply with the above requirements, the publisher or manufacturer shall be liable to the governing board in the amount of three times the total sum that the publisher or manufacturer was paid in excess of the price required under paragraphs (1), (2), and (5), and in the amount of three times the total value of the instructional materials and services that the governing board is entitled to receive free of charge.

Also, in complying with a recent audit on the offering of gratis items in the state by the Bureau of State Audits, publishers whose programs are adopted will be required to maintain a Web site listing their gratis items. This information will assist local education agencies to access this information and to ensure the “most favored nation” clause in an equitable manner. The Web site will be maintained for the duration of the adoption list and can be revised with the written permission of the Department.

G. Design Resources for Publishers

California Department of Education – www.cde.ca.gov

Curriculum Frameworks and Instructional Resources – www.cde.ca.gov/cfir

Clearinghouse for Specialized Media & Technology – www.cde.ca.gov/csmt

Universal Design – www.cast.org

Video Captioning – wbgh.org/wgbh/access

Web Design – www.w3.org

Web Page Validation – www.cast.org/bobby

VI. Contacts for Questions

Publishers are invited to submit programs of instructional materials for the 2003 Foreign Language Primary Adoption. The schedule and guidelines specified in this document must be followed. Any questions relating to the 2003 Foreign Language Primary Adoption should be addressed to the IR Unit:

Suzanne Rios, Administrator
California Department of Education
Instructional Resources Unit
1430 N Street, Room 6208
Sacramento, CA 95814
Telephone: (916) 319-0665
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Attachment A

K-8 Foreign Language Instructional Resources Evaluation Criteria
Adopted by the State Board, May 9, 2001

IMPORTANT NOTE: The following Evaluation Criteria is taken from the PRE-PRINT version of the *Foreign Language Framework*. This document may be subject to editing before final publication.

CRITERIA FOR EVALUATING K-8 FOREIGN LANGUAGE INSTRUCTIONAL MATERIALS

(Adopted by the State Board of Education, May 9, 2001)

On May 9, 2001, the State Board of Education adopted the *Foreign Language Framework, K-12*. Chapter 8 of the *Foreign Language Framework* listed the Criteria for Evaluating K-8 Foreign Language Instructional Materials. These criteria evaluate the alignment of instructional materials with the Language Learning Continuum and the content of the Framework, and the quality of those materials in the areas of program organization, assessment, universal access, and instructional planning and support. They will guide the development and govern the adoption cycle of K-8 instructional materials beginning in 2003. They do not recommend nor require one particular pedagogical approach. The numerical order of the criteria within each category does not imply their relative importance. They may also be used by publishers and local education agencies as a guide for the development and selection of instructional materials for grades 9-12.

These criteria are organized into five categories:

- 1) **Curriculum Content:** the content as specified in the *California Foreign Language Framework*.
- 2) **Program Organization:** the sequence and organization of the foreign language program.
- 3) **Assessment:** the strategies presented in the instructional materials for measuring what students know and are able to do.
- 4) **Universal Access:** the information and ideas that address the needs of special student populations; including students eligible for special education, advanced students, students who are studying a heritage language, and students whose achievement is either significantly below or significantly above that typical of the class or grade level.
- 5) **Instructional Planning and Support:** the instructional planning and support information and materials, typically including a separate edition specially designed for use by the teacher, that assist teachers in the implementation of the Foreign Language program.

Foreign language materials must support teaching aligned with the Framework. Materials that fail to meet the foreign language content criteria will not be considered satisfactory for adoption. Only those programs determined to meet criterion category 1 need to be evaluated under criteria categories 2-5.

In an effort to create focused foreign language instructional materials, publishers are asked to concentrate on the content as described in the Framework. Extraneous content is fundamentally contrary to and detracts from the ability of teachers to teach readily and students to learn thoroughly the content specified by the Language Learning Continuum and the *Foreign Language Framework*.

Criteria Category 1: Foreign Language Content/Alignment with Curriculum

Instructional materials support teaching and learning the skills and knowledge called for at the different stages as outlined in the Language Learning Continuum and that are appropriate for the designated grade levels. Materials are fully aligned with the content of the Framework. The materials must facilitate and enable students to communicate in the language.

To be considered suitable for adoption, instructional materials in foreign language will provide:

1. A list of evidence, with page numbers and/or other appropriate references that demonstrates alignment with the stage(s) of the Language Learning Continuum.
2. That all content as specified at each stage of the continuum is supported by topics or concepts, lessons, activities, examples, and/or illustrations, etc., as appropriate.
3. Accurate content to support foreign language instruction in the areas of speaking, listening, writing, and reading.
4. Foreign language content that is presented in interesting and engaging ways to students.
5. Grammar and vocabulary appropriately used and accurately defined.
6. Listening, speaking, reading, and writing in a foreign language that is grammatically accurate and culturally appropriate.
7. Listening, speaking, reading and writing in a foreign language through direct instruction and activities that focus on the student improving and demonstrating proficiency through practicing conversations, reading, and writing assignments, and listening exercises and essays.
8. Instruction that is culturally appropriate and develops listening, speaking, reading and writing in a foreign language.
9. Opportunities for students to increase their knowledge and understanding of a foreign language through the study of the literature, art, history, philosophy, and culture(s).
10. Opportunities for students to use technology to practice communication in the language and access information about the language.
11. Practice in listening, speaking, reading, and writing activities that improve language proficiency and lead to student attainment of the designated state of the Language Learning Continuum.
12. Programs with consistent inaccuracies and a large number of errors will not be considered for adoption.
13. Materials enable students to communicate in the language.

Criteria categories 2-5 shall be considered after a program has been determined to have the necessary content. A program meeting criteria categories 2-5 will be approved, and a program failing to meet one category of the criteria will not be approved.

Criteria Category 2: Program Organization

Sequential organization of the foreign language program provides structure related to what students should learn each year and allows teachers to convey the Foreign Language content efficiently and effectively. The program will be well organized and presented in a manner consistent with providing all students an opportunity to achieve the essential knowledge and

skills described in the Language Learning Continuum. A program must designate which stage(s) of the Language Learning Continuum is/are being addressed.

To be considered suitable for adoption, instructional materials in foreign language must provide:

1. Instructional resources, aligned with the Language Learning Continuum, that introduce new knowledge and skills at a reasonable pace and depth of coverage, and explicitly prepare students for later stage(s).
2. A logical and coherent structure that facilitates efficient and effective teaching and learning within a lesson, unit and year aligned with the Language Learning Continuum.
3. Clearly stated student outcomes and goals that are measurable and framework-based.
4. An overview of the content in each chapter or unit that designates how the lesson supports the Language Learning Continuum.
5. A well-organized structure that provides students with the opportunity to listen, speak, read, and write in the language and build upon knowledge and skills obtained through other language studies and/or immersion.
6. A variety of activities and texts that organize the content in a logical way, such that prerequisite skills and knowledge are developed before the more complex concepts and understandings which depend on them.
7. Tables of contents, indices, glossaries, content summaries, and assessment guides that are designed to help teachers, parents/guardians, and students.

Criteria Category 3: Assessment Criteria

Assessment should measure what students know and are able to do. Instructional resources should contain multiple measures to assess student progress. Assessment measures should reveal student's knowledge and understanding of the language. Assessment tools that publishers include as part of their instructional material should provide evidence of students' progress towards meeting the proficiency levels of the Language Learning Continuum. Assessment tools should provide information that teachers can use in planning and modifying instruction to help all students meet or exceed the proficiency levels for the designated stage of the Language Learning Continuum.

To be considered suitable for adoption, instructional materials in foreign language must provide:

1. Strategies or instruments that teachers can use to determine students' prior knowledge.
2. Multiple measures of individual student progress at regular intervals to evaluate attainment of the appropriate stage.
3. Guiding questions for monitoring student comprehension of listening, speaking, reading, and writing.
4. ~~Performance assessments and accompanying rubrics students can use to evaluate and improve the quality of their own work.~~ Performance assessments and accompanying rubrics that can be used to evaluate and improve the quality of the students' work.

Criteria Category 4: Universal Access Criteria

Instructional materials should provide access to the curriculum for all students, including those with special needs: advanced learners, heritage language learners, students with learning

difficulties, and special education students. Programs must conform to the policies of the State Board, as well as other applicable state and federal guidelines, pertaining to diverse populations and students with special needs.

To be considered suitable for adoption, instructional materials in foreign language must provide:

1. Suggestions based on current and confirmed research for ways to adapt the curriculum and the instruction to meet students' assessed special needs.
2. Strategies to help students who are below grade level in understanding the foreign language content.
3. Suggestions for advanced learners that are tied to the Framework and that allow students to study content in greater depth.
4. Strategies and suggestions to help heritage language learners to learn and understand all aspects of the language.

Criteria Category 5: Instructional Planning and Support Criteria

Teacher support materials should be built into the instructional materials and should specify suggestions and illustrative examples of how teachers can implement the Language Learning Continuum. Assistance should be designed to help the teacher implement the program in a way that insures the opportunity for all students to learn the essential skills and knowledge called for in the Curriculum. These criteria do not recommend or require one particular pedagogical approach. Publishers should make recommendations to teachers regarding instructional approaches that fit the instructional goals. Programs should provide teachers with a variety of instructional approaches that might include, but are not limited to, direct instruction, assigned reading and writing, conversations with native speakers, and presentations of authentic and accurate cultural situations.

To be considered suitable for adoption, planning and support resources in foreign language must provide:

1. Clearly written and accurate explanations of speaking, listening, reading and writing in the language being studied.
2. Strategies to address and correct common student errors.
3. A variety of pedagogical strategies for flexible grouping of students.
4. Lesson plans and suggestions for organizing resources in the classroom and ideas for pacing lessons.
5. A list of materials that support the Language Learning Continuum.
6. Suggestions and information on how to use authentic and accurate conversations and written communications to promote instruction in the language.
7. Suggestions for how to use student assessment data within the program for instructional planning purposes.
8. Technical support and suggestions for appropriate use of audiovisual, multi-media, and information technology resources associated with a unit.
9. Suggestions for activities and strategies to inform parents/guardians about the foreign language program.
10. References and resources for the teacher to provide further study of the language.

11. Demonstration of electronic resources (e.g. videos, CDs) for teachers, depicting appropriate techniques and teaching suggestions.
12. Homework assignments that support classroom learning, written so that parents/guardians who are knowledgeable of the language can easily help their children.
13. Suggestions that are tied to the Language Learning Continuum and that allow students to study content in greater depth.
14. Teacher's edition includes ample and useful annotations and suggestions on how to present the content in the student edition and ancillary materials.

Attachment B

Attachment B

Language Learning Continuum Form

2003 Foreign Language Primary Adoption Language Learning Continuum Form Instructions

In May 2001, the State Board of Education adopted the *Foreign Language Framework* and evaluation criteria. Chapter 8 of the framework provides instruction to publishers submitting materials for the 2003 Foreign Language Primary Adoption. The Language Learning Continuum (LLC) is part of the framework and evaluation criteria for foreign language instructional materials for this adoption. The Language Learning Continuum appears in Chapter 2 of the pre-print version of the *Foreign Language Framework* in a narrative form. The framework is available on-line at <http://www.cde.ca.gov/cfir>.

Criteria Category 1: Foreign Language Content/Alignment with Curriculum states:

" To be considered suitable for adoption, instructional materials in foreign language will provide:

1. Evidence, with page numbers and/or other appropriate references that demonstrates alignment with the stage(s) of the Language Learning Continuum."

The Language Learning Continuum Form will be used to meet this requirement.

Learning a language is a complex process. It involves the knowledge of a language system, not simply the mastery of a series of components. The Language Learning Continuum is designed to serve as an important element of the evaluation criteria established by the State Board of Education.

The first sections of Language Learning Continuum Form are designed to be filled out by publishers as a way of highlighting how the submitted program is aligned to the Language Learning Continuum. Portions of the form are reserved for use by the Instructional Materials Advisory Panel (IMAP) members. Detailed directions follow in this document.

It is not expected that each area of the Language Learning Continuum Form will be filled in with publishers' exemplars. The Framework notes that " The specific elements of the language system to be learned in a foreign language will naturally vary by language." A program to teach a foreign language system that varies significantly from English (e.g. Japanese) may emphasize different areas of the Language Learning Continuum as compared to a language such as Spanish, which varies from English less significantly.

IMAP members will use the publishers' exemplars to verify that each program offered for adoption meets the appropriate areas of the Language Learning Continuum. The Language Learning Continuum Form offers an opportunity for publishers to show how their program is aligned with the Language Learning Continuum.

| |
|--|
| Description of the Language Learning Continuum Form |
|--|

There is a form for each of the five stages of the LLC. Publishers will fill out the appropriate stages of the LLC which their program addresses (e.g. a program for students in grades 6-8 will not likely require a publisher to fill out Stage V of the LLC). *It is unlikely that a student beginning foreign language instruction in grade six will reach Stage V by the end of eighth grade.*

- ◆ The first column is the Language Learning Continuum category (Function, Context, Text Type, Content, and Accuracy).
- ◆ The second column is the continuum text, which is specific to each stage of the LLC.

Publisher Exemplars: (For continuum categories of Function, Context, Text Type, and Content).

These are the places in the program where a specific item of the LLC is introduced, practiced, and taught to mastery. Space is provided for publishers to provide exemplars, or significant examples. It is not intended for publishers to provide an exhaustive list of exemplars to illustrate each aspect of the Language Learning Continuum, but to highlight strong, specific examples of where in the program a specific Language Learning Continuum item can be found.

- ◆ **Introduced:** Column three. These are places in a program where a specific Language Learning Continuum item is introduced and the student is exposed to the material for the first time, or materials are reinforced from the previous course.
- ◆ **Practiced:** Column four. These are places for students to practice what they have learned.
- ◆ **Taught to Mastery:** Column five. This is a place or places in the program where students are expected to show the knowledge, skills and strategies specified in a continuum category.

Note: The three types of exemplars are not intended to denote a preferred instructional sequence.

Publisher Exemplars: (For continuum category of Accuracy). The purpose of the **Accuracy** category is to assess student progress along the Language Learning Continuum. For this section, publishers are asked to provide exemplars, strong examples of where in the program teachers would find activities where students demonstrate each of the items indicated under the Continuum Text column. The use of strong examples that highlight how the program addresses this area of the continuum, rather than a large number of examples that only marginally address the Language Learning Continuum item, is best.

In noting exemplars, publishers are asked to use the following information:

Title of material (e.g. workbook, text, etc.)
 Level (e.g. Spanish 1)
 Student Edition (SE) or Teachers Edition (TE)
 Chapter
 Page numbers
 Lesson number
 Exercise number

For each form, there is a cover sheet. Please indicate the code for the abbreviations you will use in your exemplars on the cover sheet.

Classical Languages

The *Foreign Language Framework* (May 2001) recognizes the unique characteristic of Classical Languages in Chapter 4 of the pre-print document. Lines 1110 through 1118 highlight these differences:

"Learning classical language involves the same skills as learning modern languages, but the prioritizing of skills differs markedly. Reading becomes the primary objective, supported by limited skills in listening, speaking, and writing. Grammar is taught formally and the structure of the target language is emphasized and compared to English. Emphasis is placed on reading and listening comprehension and interpretive skills, and less on interpersonal communication. Important goals of classical language study include the development of reading in the target language, the close study of works of ancient literature, and a deep understanding of the target culture."

In evaluating classical language programs submitted for adoption, IMAP members will use the evaluation criteria from Chapter 8 of the *Foreign Language Framework* as well as the Language Learning Continuum Form for Classical Languages. This form maintains the basic structure of the Language Learning Continuum as outlined in Chapter 2 of the *Foreign Language Framework* May 2001, but recognizes the difference between modern and classical languages.

Instructional Materials Advisory Panel

- **Columns 6, 7 & 8.** The LLC form provides members of the Instructional Materials Advisory Panel (IMAP) with a method of validating citations provided by publishers. The last three columns are reserved for use by the IMAP members as a part of the evaluation process.
- **Column 6, the Y column.** This box will be checked by the IMAP reviewer if the program addresses the item completely and explicitly.
- **Column 7, the N column.** This box will be checked by the IMAP reviewer if the item is not effectively addressed in the program.
- **Column 8.** The evaluator may use this space to make comments elaborating on whether or not the program meets each particular LLC criterion.

Important Web Site

- To view the pre-print *Foreign Language Framework* (SBE approved May 9, 2001), the Evaluation Criteria, the LLC forms, and the Foreign Language Adoption Timeline, visit the Curriculum Frameworks and Instructional Resources web site at <http://www.cde.ca.gov/cfir>.

For further information or technical assistance, please contact Jean James, Lead Consultant for the 2003 Primary Foreign Language Adoption, Instructional Resources Unit, California Department of Education, at 916-657-3445, or email at jjames@cde.ca.gov.

Publisher:

Program Title:

Components:

Language:

**California State Board of Education
2003 Foreign Language Primary Adoption
LANGUAGE LEARNING CONTINUUM FORM**

STAGE I
Grade Level:

| Continuum Category | Continuum Text | PUBLISHER EXEMPLARS | | | | Meets Criterion | | FOR IMAP USE ONLY | |
|-------------------------------|--|----------------------------|-----------|----------------------|--|----------------------------|---|--------------------------|--|
| | | Introduced | Practiced | Taught to Mastery | | Y | N | Evaluator Notes | |
| Function | | | | | | | | | |
| | • Students greet and respond to greetings. | | | | | | | | |
| | • Students introduce and respond to introductions. | | | | | | | | |
| | • Students engage in conversations. | | | | | | | | |
| | • Students express likes and dislikes. | | | | | | | | |
| | • Students make requests. | | | | | | | | |
| | • Students obtain information. | | | | | | | | |
| Context | • Students understand some ideas and familiar details. | | | | | | | | |
| | • Students begin to provide information. | | | | | | | | |
| | | | | | | | | | |
| | • Students converse in face-to-face social interactions. | | | | | | | | |
| | • Students listen during social interactions and listen to audio or video texts. | | | | | | | | |

| | | PUBLISHER EXEMPLARS | | | | Meets Criterion | | FOR IMAP USE ONLY | |
|--------------------|---|---------------------|-----------|-------------------|---|-----------------|-----------------|-------------------|--|
| Continuum Category | Continuum Text | Introduced | Practiced | Taught to Mastery | Y | N | Evaluator Notes | | |
| | <ul style="list-style-type: none"> Students use authentic materials, such as menus, photos, posters, schedules, charts, signs and short narratives, when reading. | | | | | | | | |
| | <ul style="list-style-type: none"> Students write notes, lists, poems, postcards, and short letters. | | | | | | | | |
| Text Type | | | | | | | | | |
| | <ul style="list-style-type: none"> Students use short sentences, learned words and phrases, and simple questions and commands when speaking and writing. | | | | | | | | |
| | <ul style="list-style-type: none"> Students understand some ideas and familiar details presented in clear, uncomplicated speech when listening. | | | | | | | | |
| | <ul style="list-style-type: none"> Students understand short texts enhanced by visual clues when reading. | | | | | | | | |
| Content | | | | | | | | | |
| | <ul style="list-style-type: none"> Students understand and convey information about the self (family, friends, home, rooms, health, school, schedules, leisure activities, campus life, likes and dislikes, shopping, clothes, prices, size and quantity, and pets and animals). | | | | | | | | |

| Continuum Category | Continuum Text | PUBLISHER EXEMPLARS | | | | Meets Criterion | | FOR IMAP USE ONLY | |
|--------------------|---|---------------------|-----------|-------------------|---|-----------------|-----------------|-------------------|--|
| | | Introduced | Practiced | Taught to Mastery | Y | N | Evaluator Notes | | |
| | | | | | | | | | |
| | <ul style="list-style-type: none"> Students understand and convey information on topics beyond self (geography, topography, directions, buildings and monuments, weather and seasons, symbols, cultural and historical figures, places and events, colors, numbers, days, dates, months, time, food and customs, transportation, travel and professions and work). | | | | | | | | |

Stage I

The template for **Accuracy** is organized differently than other parts of the **Language Learning Continuum Form**. The **Accuracy** portion of the continuum form is student assessment. Publishers are asked to indicate, through exemplars, where in the program teachers would find culminating activities where students demonstrate each of the items indicated under the Continuum Text.

Please note: The shaded area of the format is reserved for use by Instructional Materials Advisory Panelists. Publishers fill in the Exemplar column only.

| | | PUBLISHER EXEMPLARS | Meets Criterion | | FOR IMAP USE ONLY |
|--------------------|--|---------------------|-----------------|---|-------------------|
| | | | Y | N | |
| Continuum Category | Continuum Text | | | | |
| Accuracy* | | | | | |
| | <ul style="list-style-type: none"> Students communicate effectively with some hesitation and errors, which do not hinder comprehension. | | | | |
| | <ul style="list-style-type: none"> Students demonstrate culturally acceptable behavior for Stage 1 functions. | | | | |
| | <ul style="list-style-type: none"> Students understand most important information | | | | |

* The purpose of this category is to assess student progress along the Language Learning Continuum.
Stage I

Publisher:

Program Title:

Components:

Language:

**California State Board of Education
2003 Foreign Language Primary Adoption
LANGUAGE LEARNING CONTINUUM FORM**

STAGE II

Grade Level:

| Continuum Category | Continuum Text | PUBLISHER EXEMPLARS | | | | Meets Criterion | | FOR IMAP USE ONLY | |
|--------------------|--|---------------------|-----------|-------------------|---|-----------------|---|-------------------|--|
| | | Introduced | Practiced | Taught to Mastery | Y | N | Y | Evaluator Notes | |
| Function | | | | | | | | | |
| | • Students make requests. | | | | | | | | |
| | • Students express their needs. | | | | | | | | |
| | • Students understand and express important ideas and some detail. | | | | | | | | |
| Context | • Students describe and compare. | | | | | | | | |
| | • Students use and understand expressions indicating emotion. | | | | | | | | |
| | • Students converse in face-to-face social interactions. | | | | | | | | |
| | • Students listen in social interactions and listen to audio or video texts. | | | | | | | | |
| | • Students use authentic materials, such as short narratives, advertisements, tickets, brochures, and other media, when reading. | | | | | | | | |
| | • Students write letters and short guided compositions. | | | | | | | | |

| | | PUBLISHER EXEMPLARS | | | | Meets Criterion | | FOR IMAP USE ONLY | |
|--------------------|---|---------------------|-----------|-------------------|---|-----------------|-----------------|-------------------|--|
| Continuum Category | Continuum Text | Introduced | Practiced | Taught to Mastery | Y | N | Evaluator Notes | | |
| Text Type | | | | | | | | | |
| | <ul style="list-style-type: none"> Students use and understand learned expressions, sentences, and strings of sentences, questions, and polite commands when speaking and listening. | | | | | | | | |
| | <ul style="list-style-type: none"> Students create simple paragraphs when writing. | | | | | | | | |
| | <ul style="list-style-type: none"> Students understand important ideas and some details in highly contextualized authentic texts when reading. | | | | | | | | |
| Content | | | | | | | | | |
| | <ul style="list-style-type: none"> Students understand and convey information about the self (family, friends, home, rooms, health, school, schedules, leisure activities, campus life, likes and dislikes, shopping, clothes, prices, size and quantity, and pets and animals). | | | | | | | | |
| | <ul style="list-style-type: none"> Students understand and convey information beyond self (geography, topography, directions, buildings and monuments, weather and seasons, symbols, cultural and historical figures, places and events, colors, numbers, days, dates, months, time, food and customs, transportation, travel and professions and work). | | | | | | | | |

Stage II

The template for Accuracy is organized differently than other parts of the **Language Learning Continuum**. The **Accuracy** portion of the continuum form is student assessment. Publishers are asked to indicate, through exemplars, where in the program teachers would find culminating activities where students demonstrate each of the items indicated under the Continuum Text.

Please note: The shaded area of the form is reserved for use by Instructional Materials Advisory Panelists. Publishers fill in the Exemplar column only.

| Continuum Category | Continuum Text | PUBLISHER EXEMPLARS | | Meets Criterion | | FOR IMAP USE ONLY |
|--------------------|---|---------------------|--|-----------------|---|-------------------|
| | | | | Y | N | |
| Accuracy* | | | | | | |
| | <ul style="list-style-type: none"> Students demonstrate increasing fluency and control of vocabulary. | | | | | |
| | <ul style="list-style-type: none"> Students show no significant pattern of error when performing Stage I functions. | | | | | |
| | <ul style="list-style-type: none"> Students communicate effectively with some pattern of error, which may interfere slightly with full comprehension when performing Stage II functions. | | | | | |
| | <ul style="list-style-type: none"> Students understand oral and written discourse, with few errors in comprehension when reading and demonstrate culturally appropriate behavior for Stage II functions. | | | | | |

* The purpose of this category is to assess student progress along the Language Learning Continuum.

Stage II

Publisher:

Program Title:

Components:

Language:

**California State Board of Education
2003 Foreign Language Primary Adoption
LANGUAGE LEARNING CONTINUUM FORM**

STAGE III

Grade Level:

| Continuum Category | Continuum Text | PUBLISHER EXEMPLARS | | | | Meets Criterion | | FOR IMAP USE ONLY | |
|---------------------------|--|----------------------------|-----------|-------------------|---|------------------------|--|--------------------------|--|
| | | Introduced | Practiced | Taught to Mastery | Y | N | | Evaluator Notes | |
| Function | • Students clarify and ask for and comprehend clarification. | | | | | | | | |
| | • Students express and understand opinions. | | | | | | | | |
| | • Students narrate and understand narration in the present, past, and future. | | | | | | | | |
| | • Students identify, state, and understand feelings and emotions. | | | | | | | | |
| | | | | | | | | | |
| Context | • Students converse in face-to-face social interactions and in simple transactions on the phone. | | | | | | | | |
| | • Students listen during face-to-face social interactions and listen to audio or video texts. | | | | | | | | |
| | • Students read short stories, poems, essays, and articles. | | | | | | | | |
| | • Students write journals, letters, and essays. | | | | | | | | |

| | | PUBLISHER EXEMPLARS | | | | Meets Criterion | | FOR IMAP USE ONLY | |
|--------------------|---|---------------------|-----------|-------------------|---|-----------------|-----------------|-------------------|--|
| Continuum Category | Continuum Text | Introduced | Practiced | Taught to Mastery | Y | N | Evaluator Notes | | |
| Text Type | | | | | | | | | |
| | <ul style="list-style-type: none"> Students use strings of related sentences when speaking. | | | | | | | | |
| | <ul style="list-style-type: none"> Students understand most spoken language when the message is deliberately and carefully conveyed by a speaker accustomed to dealing with learners when listening. | | | | | | | | |
| | <ul style="list-style-type: none"> Students create paragraphs when writing. | | | | | | | | |
| | <ul style="list-style-type: none"> Students acquire knowledge and new information from comprehensive, authentic texts when reading. | | | | | | | | |
| Content | | | | | | | | | |
| | <ul style="list-style-type: none"> Students can understand and convey information about cultural, personal, and social topics (history, art, literature, music, current affairs, and civilization, with an emphasis on significant people and events in these fields, career choices, the environment, social issues, and political issues). | | | | | | | | |

Stage III

The template for Accuracy is organized differently than other parts of the **Language Learning Continuum Form**. The **Accuracy** portion of the continuum form is student assessment. Publishers are asked to indicate, through exemplars, where in the program teachers would find culminating activities where students demonstrate each of the items indicated under the Continuum Text.

Please note: The shaded area of the form is reserved for use by Instructional materials Advisory Panelists. Publishers fill in the Exemplar column only.

| Continuum Category | Continuum Text | Publisher Exemplars | Meets Criterion | | FOR IMAP USE ONLY | |
|--------------------|--|---------------------|-----------------|---|-------------------|-----------------|
| | | | Y | N | | Evaluator Notes |
| Accuracy* | | | | | | |
| | <ul style="list-style-type: none"> Students tend to become less accurate as the task or message becomes more complex, and some patterns of error may interfere with meaning. | | | | | |
| | <ul style="list-style-type: none"> Students generally choose appropriate vocabulary for familiar topics, but as the complexity of the message increases, there is evidence of hesitation and groping for words, as well as patterns of mispronunciation and intonation. | | | | | |
| | <ul style="list-style-type: none"> Students generally use culturally appropriate behavior in social situations. | | | | | |
| | <ul style="list-style-type: none"> Students are able to understand and retain most key ideas and some supporting detail when reading and listening. | | | | | |

* The purpose of this category is to assess student progress along the Language Learning Continuum.

Stage III

Publisher:

Program Title:

Components:

Language:

**California State Board of Education
2003 Foreign Language Primary Adoption
LANGUAGE LEARNING CONTINUUM FORM**

STAGE IV

Grade Level:

| | | PUBLISHER EXEMPLARS | | | Meets Criterion | | FOR IMAP USE ONLY | |
|--------------------|--|---------------------|-----------|-------------------|-----------------|---|-------------------|--|
| Continuum Category | Continuum Text | Introduced | Practiced | Taught to Mastery | Y | N | Evaluator Notes | |
| Function | | | | | | | | |
| | • Students give and understand advice and suggestions. | | | | | | | |
| | • Students initiate, engage in, and close a conversation. | | | | | | | |
| | • Students compare and contrast. | | | | | | | |
| | • Students explain and support an opinion. | | | | | | | |
| Context | | | | | | | | |
| | • Students converse in face-to-face social interactions, in simple transactions on the phone, and in group discussions, prepared debates, and presentations. | | | | | | | |
| | • Students listen during social interactions and listen to audio or video texts, including TV interviews and newscasts. | | | | | | | |
| | • Students read short literary texts, poems, and articles. | | | | | | | |
| | • Students write journals, letters, and essays. | | | | | | | |

| | | PUBLISHER EXEMPLARS | | | | Meets Criterion | | FOR IMAP USE ONLY | |
|--------------------|--|---------------------|-----------|-------------------|---|-----------------|--|-------------------|--|
| Continuum Category | Continuum Text | Introduced | Practiced | Taught to Mastery | Y | N | | Evaluator Notes | |
| Text Type | | | | | | | | | |
| | <ul style="list-style-type: none"> Students converse using simple discourse in a series of coherent paragraphs when speaking. | | | | | | | | |
| | <ul style="list-style-type: none"> Students understand most authentic spoken language when listening; | | | | | | | | |
| | <ul style="list-style-type: none"> Students create a series of coherent paragraphs when writing. | | | | | | | | |
| | <ul style="list-style-type: none"> Students acquire knowledge and new information from comprehensive, authentic texts when reading. | | | | | | | | |
| Content | | | | | | | | | |
| | <ul style="list-style-type: none"> Students can understand and convey information on concepts of broader cultural significance, including institutions such as the education system, the government, and political and social issues in the target culture. | | | | | | | | |
| | <ul style="list-style-type: none"> Students can understand and convey information on topics of social and personal interest such as music, literature, the arts, and the sciences. | | | | | | | | |

Stage IV

The template for **Accuracy** is organized differently than other parts of the **Language Learning Continuum Form**. The **Accuracy** portion of the continuum format is student assessment. Publishers are asked to indicate, through exemplars, where in the program teachers would find culminating activities where students demonstrate each of the items indicated under the Continuum Text.

Please note: The shaded area of the form is reserved for use by Instructional Materials Advisory Panelists. Publishers fill in the Exemplar column only.

| Continuum Category | Continuum Text | Publishers' Exemplars | Meets Criterion | | FOR IMAP USE ONLY | |
|--------------------|--|-----------------------|-----------------|---|-------------------|-----------------|
| | | | Y | N | | Evaluator Notes |
| Accuracy* | | | | | | |
| | <ul style="list-style-type: none"> Students can engage in conversations with few significant patterns of error and use a wide range of appropriate vocabulary. | | | | | |
| | <ul style="list-style-type: none"> Students demonstrate a heightened awareness of culturally appropriate behavior although, as the task or message becomes more complex, they tend to become less accurate. | | | | | |
| | <ul style="list-style-type: none"> Students are able to understand and report most key ideas and some supporting detail when reading and listening. | | | | | |

* The purpose of this category is to assess student progress along the Language Learning Continuum.
Stage IV

Publisher:

Program Title:

Components:

Language:

**California State Board of Education
2003 Foreign Language Primary Adoption
LANGUAGE LEARNING CONTINUUM FORM**

STAGE V

Grade Level:

| Continuum Category | Continuum Text | PUBLISHER EXEMPLARS | | | | Meets Criterion | | FOR IMAP USE ONLY | |
|---------------------------|---|----------------------------|-----------|-------------------|---|------------------------|--|--------------------------|--|
| | | Introduced | Practiced | Taught to Mastery | Y | N | | Evaluator Notes | |
| Function | • Students conduct transactions and negotiations. | | | | | | | | |
| | • Students substantiate and elaborate opinions. | | | | | | | | |
| | • Students convince and persuade. | | | | | | | | |
| | • Students analyze and critique. | | | | | | | | |
| Context | • Students can perform functions in almost any context, including many complex situations. | | | | | | | | |
| Text Type | • Students can perform functions in extended discourse when appropriate. | | | | | | | | |
| Content | • Students can understand and convey information on concepts of broader cultural significance, including social issues in the target culture, such as the environment and human rights. | | | | | | | | |

| Continuum Category | Continuum Text | PUBLISHER EXEMPLARS | | | | FOR IMAP USE ONLY | | |
|--------------------|---|---------------------|-----------|-------------------|-----------------|-------------------|-----------------|--|
| | | Introduced | Practiced | Taught to Mastery | Meets Criterion | | Evaluator Notes | |
| | | | | | Y | N | | |
| | <ul style="list-style-type: none"> Students can understand and convey information on abstract ideas concerning art, literature, politics, and society. | | | | | | | |

The template for **Accuracy** is organized differently than other parts of the **Language Learning Continuum Form**. The **Accuracy** portion of the continuum format is student assessment. Publishers are asked to indicate, through exemplars, where in the program teachers would find culminating activities where students demonstrate each of the items indicated under the Continuum Text.

Please note: The shaded area of the form is reserved for use by Instructional Materials Advisory Panels. Publishers fill in the Exemplar column only.

| Continuum Category | Continuum Text | PUBLISHER EXEMPLARS | | | | FOR IMAP USE ONLY | | |
|--------------------|---|---------------------|--|--|--|-------------------|---|-----------------|
| | | | | | | Meets Criterion | | Evaluator Notes |
| | | | | | | Y | N | |
| Accuracy* | | | | | | | | |
| | <ul style="list-style-type: none"> Students use culturally appropriate language, characterized by a wide range of vocabulary, with few patterns of error, although speech may contain some hesitation and normal pauses. | | | | | | | |
| | <ul style="list-style-type: none"> Students comprehend significant ideas and most supporting details. | | | | | | | |

* The purpose of this category is to assess student progress along the Language Learning Continuum.
Stage V

Attachment C

Attachment C Language Learning Continuum for Classical Languages

Publisher:

Program Title:

Components:

Language:

California State Board of Education
2003 Foreign Language Primary Adoption
LANGUAGE LEARNING CONTINUUM

STAGE I

Grade Level:

CLASSICAL LANGUAGES

| Continuum Category | Continuum Text | PUBLISHER EXEMPLARS | | | | Meets Criterion | | FOR IMAP USE ONLY | |
|--------------------|---|---------------------|-----------|-------------------|--|-----------------|---|-------------------|--|
| | | Introduced | Practiced | Taught to Mastery | | Y | N | | |
| | | | | | | | | | |
| | <ul style="list-style-type: none">Students greet and respond to greetings. | | | | | | | | |
| | <ul style="list-style-type: none">Students introduce and respond to introductions. | | | | | | | | |
| | <ul style="list-style-type: none">Students begin to understand and use simple classroom phrases, questions and requests. | | | | | | | | |
| Context | <ul style="list-style-type: none">Students reply to oral questions, relying heavily on practiced phrases or content taken from written passages in the text. | | | | | | | | |
| | <ul style="list-style-type: none">Students listen to audio texts or the teacher, and respond in English or the target language using patterns modeled by the teacher. | | | | | | | | |
| | <ul style="list-style-type: none">Students use authentic materials, simple narratives or descriptive sentences, when reading. | | | | | | | | |

| Continuum Category | Continuum Text | PUBLISHER EXEMPLARS | | | | Meets Criterion | | FOR IMAP USE ONLY | |
|--------------------|---|---------------------|-----------|-------------------|---|-----------------|-----------------|-------------------|--|
| | | Introduced | Practiced | Taught to Mastery | Y | N | Evaluator Notes | | |
| | | | | | | | | | |
| | <ul style="list-style-type: none"> Students illustrate reading comprehension by translating, paraphrasing, or responding to questions. | | | | | | | | |
| | <ul style="list-style-type: none"> Students begin to write in the target language by composing notes, lists, poems, postcards, short letters or paragraphs, etc. | | | | | | | | |
| Text Type | <ul style="list-style-type: none"> Students use and understand inflections (endings) for nouns and verbs. | | | | | | | | |
| | <ul style="list-style-type: none"> Students recognize how nouns, verbs, and phrases form sentence patterns. | | | | | | | | |
| | <ul style="list-style-type: none"> Students use short sentences, learned words and phrases, and simple questions and commands when speaking and/or writing. | | | | | | | | |
| | <ul style="list-style-type: none"> Students understand some ideas and familiar details presented in clear, uncomplicated sentences when reading and/or listening. | | | | | | | | |
| | <ul style="list-style-type: none"> Students read and understand short texts or narratives, enhanced by visual cues or vocabulary glosses. | | | | | | | | |
| Content | | | | | | | | | |
| | <ul style="list-style-type: none"> Students understand and convey information on cultural topics, such as daily life of ancient times, cultural and historical figures, and the relationship of the target culture to their culture. | | | | | | | | |

| Continuum Category | Continuum Text | PUBLISHER EXEMPLARS | | | Meets Criterion | | FOR IMAP USE ONLY |
|--------------------|---|---------------------|-----------|-------------------|-----------------|---|-------------------|
| | | Introduced | Practiced | Taught to Mastery | Y | N | |
| | <ul style="list-style-type: none"> Students begin to understand the history and derivation of words, prefixes, and suffixes in English and their relation to words in the target language. | | | | | | |

The template for **Accuracy** is organized differently than other parts of the **Language Learning Continuum Form**. The **Accuracy** portion of the continuum form is student assessment. Publishers are asked to indicate, through exemplars, where in the program teachers would find culminating activities where students demonstrate each of the items indicated under the Continuum Text.

Please note: The shaded area of the format is reserved for use by Instructional Materials Advisory Panelists. Publishers fill in the Exemplar column only.

| Continuum Category | Continuum Text | PUBLISHER EXEMPLARS | Meets Criterion | | FOR IMAP USE ONLY |
|--------------------|--|---------------------|-----------------|---|-------------------|
| | | | Y | N | |
| Accuracy* | | | | | |
| | <ul style="list-style-type: none"> Students communicate effectively with some hesitation and errors, which do not hinder comprehension. | | | | |
| | <ul style="list-style-type: none"> Students demonstrate culturally acceptable behavior for Stage 1 functions. | | | | |
| | <ul style="list-style-type: none"> Students understand most important information | | | | |

* The purpose of this category is to assess student progress along the Language Learning Continuum.
Stage I

Publisher:

Program Title:

Components:

Language:

California State Board of Education
2003 Foreign Language Primary Adoption
LANGUAGE LEARNING CONTINUUM

STAGE II
Grade Level:

CLASSICAL LANGUAGES

| Continuum Category | Function | Continuum Text | PUBLISHER EXEMPLARS | | | | Meets Criterion | | FOR IMAP USE ONLY | |
|--------------------|----------|--|---------------------|-----------|-------------------|--|-----------------|---|-------------------|--|
| | | | Introduced | Practiced | Taught to Mastery | | Y | N | Evaluator Notes | |
| | | | | | | | | | | |
| | | <ul style="list-style-type: none"> Students make and respond to requests. Students understand and learn how to express important ideas with some detail. | | | | | | | | |
| | | <ul style="list-style-type: none"> Students reply to oral questions expressing more complex thoughts and ideas, relying less on practiced phrases or content taken from written passages in the text. | | | | | | | | |
| | | <ul style="list-style-type: none"> Students listen to audio texts and the teacher and respond in English or the target language using patterns modeled by the teacher. | | | | | | | | |

| Continuum Category | Continuum Text | PUBLISHER EXEMPLARS | | | | Meets Criterion | | FOR IMAP USE ONLY | |
|--------------------|--|---------------------|-----------|-------------------|---|-----------------|-----------------|-------------------|--|
| | | Introduced | Practiced | Taught to Mastery | Y | N | Evaluator Notes | | |
| | | | | | | | | | |
| | <ul style="list-style-type: none"> Students illustrate reading comprehension by translating, paraphrasing, or responding to short passages. | | | | | | | | |
| | <ul style="list-style-type: none"> Students use authentic materials, such as short narratives, or adapted texts, when reading. | | | | | | | | |
| | <ul style="list-style-type: none"> Students understand important ideas and some details in highly contextualized and authentic texts when reading. | | | | | | | | |
| | <ul style="list-style-type: none"> Students express more complex ideas in written work. | | | | | | | | |
| Text Type | | | | | | | | | |
| | <ul style="list-style-type: none"> Students readily understand common inflections when reading and begin to utilize inflections when writing and/or speaking. | | | | | | | | |
| | <ul style="list-style-type: none"> Students understand more complex sentence patterns. | | | | | | | | |
| | <ul style="list-style-type: none"> Students use sentences to form short paragraphs. | | | | | | | | |
| | <ul style="list-style-type: none"> Students understand ideas and familiar details when presented in more complex sentence patterns and structures. | | | | | | | | |
| | <ul style="list-style-type: none"> Students use strings of related sentences when speaking and/or writing. Students create simple paragraphs when writing. | | | | | | | | |

| | | PUBLISHER EXEMPLARS | | | Meets Criterion | | FOR IMAP USE ONLY | |
|--------------------|--|---------------------|-----------|-------------------|-----------------|---|-------------------|--|
| Continuum Category | Continuum Text | Introduced | Practiced | Taught to Mastery | Y | N | Evaluator Notes | |
| Content | <ul style="list-style-type: none">Students understand and convey more complex information on cultural topics such as the daily life of ancient times, religion, government, history, cultural landmarks, and geography. | | | | | | | |
| | <ul style="list-style-type: none">Students convey information about the history and derivation of word prefixes and suffixes in English and their relation to words in the target language and use this to systematically expand their English vocabulary. | | | | | | | |

The template for Accuracy is organized differently than other parts of the **Language Learning Continuum Form**. The **Accuracy** portion of the continuum form is student assessment. Publishers are asked to indicate, through exemplars, where in the program teachers would find culminating activities where students demonstrate each of the items indicated under the Continuum Text.

Please note: The shaded area of the format is reserved for use by Instructional Materials Advisory Panelists. Publishers fill in the Exemplar column only.

| Continuum Category | Continuum Text | Publisher Exemplars | Meets Criterion | | FOR IMAP USE ONLY |
|--------------------|---|---------------------|-----------------|---|-------------------|
| | | | Y | N | |
| Accuracy* | | | | | |
| | <ul style="list-style-type: none"> Students demonstrate increasing fluency and control of vocabulary. | | | | |
| | <ul style="list-style-type: none"> Students show no significant pattern of error when performing Stage I functions. | | | | |
| | <ul style="list-style-type: none"> Students communicate effectively with some pattern of error, which may interfere slightly with full comprehension when performing Stage II functions. | | | | |
| | <ul style="list-style-type: none"> Students understand oral and written discourse, with few errors in comprehension when reading and demonstrate culturally appropriate behavior for Stage II functions. | | | | |

* The purpose of this category is to assess student progress along the Language Learning Continuum.

Stage II

Publisher:

Program Title:

Components:

Language:

California State Board of Education
2003 Foreign Language Primary Adoption
LANGUAGE LEARNING CONTINUUM

STAGE III

Grade Level:

CLASSICAL LANGUAGES

| Continuum Category | Continuum Text | PUBLISHER EXEMPLARS | | | Meets Criterion | | FOR IMAP USE ONLY | |
|--------------------|---|---------------------|-----------|-------------------|-----------------|---|-------------------|--|
| | | Introduced | Practiced | Taught to Mastery | Y | N | Evaluator Notes | |
| Function | | | | | | | | |
| | <ul style="list-style-type: none">Students ask for clarification.Students express important ideas with more detail. | | | | | | | |
| Context | | | | | | | | |
| | <ul style="list-style-type: none">Students reply to oral questions, expressing more complex thoughts and ideas, relying less on practiced phrases or content taken from written passages in the text. | | | | | | | |
| | <ul style="list-style-type: none">Students listen to audio texts and the teacher and respond in English or the target language using patterns modeled by the teacher. | | | | | | | |
| | <ul style="list-style-type: none">Students illustrate reading comprehension by translating, paraphrasing, or responding to complex questions. | | | | | | | |

| | | PUBLISHER EXEMPLARS | | | Meets Criterion | | FOR IMAP USE ONLY | |
|---------------------------|--|---------------------|-----------|-------------------|-----------------|---|-------------------|--|
| | | Introduced | Practiced | Taught to Mastery | Y | N | Evaluator Notes | |
| Continuum Category | Continuum Text | | | | | | | |
| | <ul style="list-style-type: none"> Students begin reading more challenging authentic literature. | | | | | | | |
| | <ul style="list-style-type: none"> Students comprehend higher level literary devices and forms of expressing. | | | | | | | |
| | <ul style="list-style-type: none"> Students understand and use narration when speaking, reading, listening, and writing, using present, past and future tenses. | | | | | | | |
| | <ul style="list-style-type: none"> Students express more complex ideas in written work. | | | | | | | |
| Text Type | | | | | | | | |
| | <ul style="list-style-type: none"> Students use common inflections accurately and begin to develop an understanding of inflections in more complex expressions. | | | | | | | |
| | <ul style="list-style-type: none"> Students use and understand learned expressions, compose simple paragraphs, questions, and polite commands when speaking and/or writing. | | | | | | | |
| | <ul style="list-style-type: none"> Students understand ideas and details in complex sentence patterns involving such things as indirect reporting, conditionals, and subjunctive clauses. | | | | | | | |
| | <ul style="list-style-type: none"> Students acquire knowledge and new information from comprehensive, authentic texts when reading. | | | | | | | |

| | | PUBLISHER EXEMPLARS | | | Meets Criterion | | FOR IMAP USE ONLY | |
|--------------------|---|---------------------|-----------|-------------------|-----------------|---|-------------------|--|
| Continuum Category | Continuum Text | Introduced | Practiced | Taught to Mastery | Y | N | Evaluator Notes | |
| Content | | | | | | | | |
| | <ul style="list-style-type: none">Students understand and convey information about cultural and social topics such as history, art, literature, music, and civilization with an emphasis on significant people and events in these areas. | | | | | | | |
| | <ul style="list-style-type: none">Students convey and expand their knowledge of the history and derivation of words, prefixes, and suffixes to expand their vocabulary skills in both English and/or the target language. | | | | | | | |

The template for Accuracy is organized differently than other parts of the **Language Learning Continuum Form**. The **Accuracy** portion of the continuum form is student assessment. Publishers are asked to indicate, through exemplars, where in the program teachers would find culminating activities where students demonstrate each of the items indicated under the Continuum Text.

Please note: The shaded area of the format is reserved for use by Instructional materials Advisory Panelists. Publishers fill in the Exemplar column only.

| Continuum Category | Continuum Text | PUBLISHER EXEMPLARS | | Meets Criterion | | FOR IMAP USE ONLY | |
|--------------------|--|---------------------|--|-----------------|---|-------------------|-----------------|
| | | | | Y | N | | Evaluator Notes |
| Accuracy* | | | | | | | |
| | <ul style="list-style-type: none"> Students tend to become less accurate as the task or message becomes more complex, and some patterns of error may interfere with meaning. | | | | | | |
| | <ul style="list-style-type: none"> Students generally choose appropriate vocabulary for familiar topics, but as the complexity of the message increases, there is evidence of hesitation and groping for words, as well as patterns of mispronunciation and intonation. | | | | | | |
| | <ul style="list-style-type: none"> Students generally use culturally appropriate behavior in social situations. | | | | | | |
| | <ul style="list-style-type: none"> Students are able to understand and retain most key ideas and some supporting detail when reading and listening. | | | | | | |

* The purpose of this category is to assess student progress along the Language Learning Continuum.

Stage III

Attachment D

Attachment D

Instructions for Requesting a CD-ROM to Provide Submission Information

INSTRUCTIONS FOR REQUESTING A CD-ROM AND SUBMISSION INFORMATION

PUBLISHERS MUST SUBMIT THE FOLLOWING BY MARCH 3, 2003:

1. CD-ROM containing a list of all items to be considered for adoption
2. Contact Form, including phone, fax, and email contacts for personnel that will be staffing the adoption process
3. Program Descriptions (see page 14 of Invitation to Submit packet)
4. Technology requirements and Technology Contacts
5. List of kit components (for every item on your submission CD-ROM that is composed of more than one component, list on a separate sheet of paper all components included in the item)

A CD-ROM and instructions will be supplied to all requesting publishers. To request a CD-ROM and instructions, please contact Larry Dunn at **(916) 319-0443**.

The following hardware specification is needed to prepare the CD with submission information:

- PC with a 486DX/66 MHz or higher processor (Pentium or higher processor is recommended)
- Microsoft Windows 95 or later operating system
- 16 MB of RAM for Windows 95 or later operating system (32 MB recommended)
- 20 MB hard-disk space required, CD-ROM drive
- Microsoft Mouse or compatible.

If you have any questions, contact Susan Martimo at **(916) 319-0446**.

Attachment E

Publishers' Checklist
and
Instructions for Alternate Sampling Plan Options

PUBLISHER CHECKLIST

Enclosures/Information

- ☐ Disk
- ☐ Contact Form Including Detailed Technology Requirements and Contacts
- ☐ Program Descriptions
- ☐ Prior Legal Compliance Approval (Include approval letter)
- ☐ List of Kit Components

I understand that the consensus reports and recommendations of the Instructional Materials Advisory Panels for the 2003 Foreign Language Primary Adoption will be available for purchase when completed and may contain both positive and negative statements regarding each of the programs considered. The State Board Adoption Report, which may also contain positive and negative statements regarding individual programs, will be made available to all local education agencies after the State Board's action and will also be available for purchase and available through the California Department of Education web site.

| | | |
|---|--|-------------------------|
| Signature of Authorized Representative | | Date |
| Name of Authorized Representative (Please Print) | | Company: |
| Address: | | City, State, Zip |
| Telephone: | | FAX Number: |
| Email Address: | | |

Optional: We are requesting the following Alternative Sampling Plan(s):

Check appropriate Boxes:

- ☐ Option 1
- ☐ Option 2
- ☐ Option 3
- ☐ Option 4
- ☐ Option 5
- ☐ Option 6

Please return to:
 California Department of Education,
 Instructional Resources Office,
 P.O. Box 944272, Sacramento, CA 94244-2720, or
 1430 N Street, Room 6208, Sacramento, CA 95814

Alternate Sampling Plan

Unless otherwise noted, all materials are to be provided to all LRDC sites (currently 24), all LEs and IMAPs*, all requesting Curriculum Commissioners and State Board of Education members. All student print materials are to be provided to all Learning Resources Display Centers, LEs and IMAPs, either as stand-alone pieces or as part of teacher's editions (e.g., wraparound teacher's manuals).

In an effort to reduce sampling costs to publishers, we have developed the following alternative sampling plans. If you select one (or more) of these options, keep in mind the importance of the IMAP members having sufficient materials to evaluate the program, and select options that you believe will best represent your program. Guidelines for providing sample kits are described on page. If you select one or more of these alternatives, you must indicate all of the options you have chosen on Attachment E, **and return the completed form by March 3, 2003**. Sampling instructions will be forwarded to you based on requests from Curriculum Commission and State Board of Education members and the options you select. If you have not requested an alternate sampling plan by March 28, 2003, you will receive instructions to provide samples of all items to all Learning Resources Display Centers, LEs and IMAPs, and to Commissioners and State Board members as requested.

| |
|-------------------------------------|
| You can choose one or more Options: |
|-------------------------------------|

Option 1

Student editions are not provided, because the teacher's editions are wraparound or the student pages are represented in the teacher's editions. (Otherwise, both student editions and teacher editions are sampled to all LEs & IMAPs and all Learning Resources Display Centers.)

Option 2

Computer software, CD-ROM, videotapes, and laser disk components are provided to all LEs & IMAPs and only to the high tech Learning Resources Display Centers (currently 15 sites).

Option 3

Computer software, CD-ROM, videotapes, and laser disk components are provided only to high tech Learning Resources Display Centers, (currently 15 sites), but not provided to any LEs or IMAPs.

Option 4

Literature kits and/or Art Print kits are provided to all IMAPs and a minimum of 3 Learning Resources Display Centers, but no more than half of the Learning Resources Display Centers, as designated by the Department. The Department may suggest a matrix-sampling plan. Learning Resources Display Centers not receiving the kits will receive a list of literature, or list of art prints contained in the kits. (Otherwise, all kits will be sampled to all Learning Resources Display Centers).

Option 5

Kits of manipulatives will be sent to all Learning Resources Display Centers (unless Option 6 is selected); and a minimum of 3 IMAP members, but no more than half of the members as designated by Department. (Otherwise, all kits will be sampled to all IMAPs).

Option 6

Kits of manipulatives will be sent to all IMAPs (unless Option 5 is selected); and a minimum of 3 Learning Resources Display Centers, but no more than half, as designated by Department. (Otherwise, all kits will be sampled to all Learning Resources Display Centers.)

Note: A manipulative kit is described as resources that do not contain print or pictures, (including videos, cassettes, and software), and therefore, do not require a legal compliance review. Do not choose Option 4 or 5 if your manipulative kit contains these items. However, you may request to send a sample kit as described on page 15.

If you plan on utilizing one or more of the above alternate sampling plan options, you must indicate all of the options you will be using (1, 2, 3, 4, 5, 6) on the form provided (Attachment E) by March 3, 2003. Sampling instructions will be developed and forwarded to you based on the options you select. In addition, samples must be provided to Curriculum Commission members, State Board of Education members, and the Department of Education as requested. If you do not request and return the completed form by March 3, 2003, sampling instructions will direct you to sample all submitted items to all Learning Resources Display Centers and IMAPs.

*"IMAP" refers to the panel members assigned to review your specific program -- approximately 7-15 members. "LE" refers to the language experts that will be looking at student and teacher material and materials with particular attention to content.

Attachment F

California Education Code
Part 33. Instructional Materials and Testing

Attachment F
California Education Code
Part 33. Instructional Materials and Testing

EDUCATION CODE
SECTION 60000-60812

60000. (a) It is the intent and purpose of the Legislature in enacting this part to provide for the adoption and selection of quality instructional materials for use in the elementary and secondary schools.

(b) The Legislature hereby recognizes that, because of the common needs and interests of the citizens of this state and the nation, there is a need to establish broad minimum standards and general educational guidelines for the selection of instructional materials for the public schools, but that because of economic, geographic, physical, political, educational, and social diversity, specific choices about instructional materials need to be made at the local level.

(c) The Legislature further recognizes that the governing boards of school districts have the responsibility to establish courses of study and that they must have the ability to choose instructional materials that are appropriate to their courses of study.

60001. For the purposes of any provision of the California Constitution that requires the adoption of textbooks for use in the elementary schools, the state board shall adopt at least five separate basic instructional materials for each grade level and each subject area as required by section 60200.

60002. Each district board shall provide for substantial teacher involvement in the selection of instructional materials and shall promote the involvement of parents and other members of the community in the selection of instructional materials.

60005. (a) The Legislature finds and declares that it is in the public interest for the State Board of Education to adopt policies and procedures concerning the development of curriculum frameworks and the adoption of instructional materials only after public notice, comment by the public, and review by the Office of Administrative Law and for these policies and procedures to be published in the California Code of Regulations. Therefore, the Legislature reaffirms that the policies and procedures concerning the development of curriculum frameworks and the adoption of instructional materials shall be adopted pursuant to Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

These policies and procedures include, but are not limited to, the following:

- (1) Board policies that define statutory terms.
- (2) Board policies that prescribe the membership of committees used in the development and adoption process.
- (3) Procedures that regulate public participation in the development of curriculum frameworks and the adoption of instructional materials.

(b) The board shall adopt as regulations the policies and procedures concerning the development of curriculum frameworks and the adoption of instructional materials.

(c) (1) The following shall not be subject to Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of Title 2 of the Government Code:

- (A) The content of curriculum frameworks.
- (B) Evaluation criteria and worksheets developed to supplement curriculum frameworks.
- (2) The board shall adopt the content of curriculum frameworks and evaluation criteria and worksheets developed to supplement curriculum frameworks in accordance with the regulations established pursuant to subdivision (b) of this section.

60010. For the purpose of this part, the following terms have the following meanings unless the context in which they appear clearly requires otherwise:

- (a) "Basic instructional materials" means instructional materials that are designed for use by pupils as a principal learning resource and that meet in organization and content the basic requirements of the intended course.
- (b) "Commission" means the Curriculum Development and Supplemental Materials Commission.
- (c) "Curriculum framework" means an outline of the components of a given course of study designed to provide state direction to school districts in the provision of instructional programs.
- (d) "District board" means the board of education or governing board of any county, city and county, city, or other district that has the duty to provide for the education of the children in its county, city and county, city, or district.
- (e) "Elementary school" means all public schools in which instruction is given through grade 8 or in any one or more of those grades.
- (f) "Governing boards" means the state board and any one or more district boards.
- (g) "High school" means all public schools other than elementary schools in which instruction is given through grade 12, or in any one or more of those grades.
- (h) "Instructional materials" means all materials that are designed for use by pupils and their teachers as a learning resource and help pupils to acquire facts, skills, or opinions or to develop cognitive processes. Instructional materials may be printed or nonprinted, and may include textbooks, technology-based materials, other educational materials, and tests.
- (i) "Nonpublic school" means a school that both satisfies the requirements of section 48222, and is exempt from taxation under section 214 of the Revenue and Taxation Code.
- (j) "School official" means any member of any governing board, any city, county, city and county, or district superintendent of schools, and any principal, teacher, or other employee under his or her charge.
- (k) "State board" means the State Board of Education.
- (l) "Supplementary instructional materials" means instructional materials designed to serve, but not be limited to, one or more of the following purposes, for a given subject, at a given grade level:
 - (1) To provide more complete coverage of a subject or subjects included in a given course.
 - (2) To provide for meeting the various learning ability levels of pupils in a given age group or grade level.
 - (3) To provide for meeting the diverse educational needs of pupils with a language disability in a given age group or grade level.
 - (4) To provide for meeting the diverse educational needs of pupils reflective of a condition of cultural pluralism.
- (m) "Technology-based materials" means those basic or supplemental instructional materials that are designed for use by pupils and teachers as learning resources and that require the availability of electronic equipment in order to be used as a learning resource. Technology-based

materials include, but are not limited to, software programs, videodisks, compact disks, optical disks, video and audiotapes, lesson plans, and databases. Technology-based materials do not include the equipment required to make use of those materials.

(n) "Test" means any device used to measure the knowledge or achievement of students.

60040. When adopting instructional materials for use in the schools, governing boards shall include only instructional materials which, in their determination, accurately portray the cultural and racial diversity of our society, including:

(a) The contributions of both men and women in all types of roles, including professional, vocational, and executive roles.

(b) The role and contributions of American Indians, American Negroes, Mexican Americans, Asian Americans, European Americans, and members of other ethnic and cultural groups to the total development of California and the United States.

(c) The role and contributions of the entrepreneur and labor in the total development of California and the United States.

60041. When adopting instructional materials for use in the schools, governing boards shall include only instructional materials that accurately portray, whenever appropriate:

(a) Humanity's place in ecological systems and the necessity for the protection of our environment.

(b) The effects on the human system of the use of tobacco, alcohol, narcotics and restricted dangerous drugs as defined in section 11032 of the Health and Safety Code, and other dangerous substances.

60042. When adopting instructional materials for use in the schools, governing boards shall require such materials, as they deem necessary and proper to encourage thrift, fire prevention and the humane treatment of animals and people.

60043. When adopting instructional materials for use in the schools, the governing board shall require, when appropriate to the comprehension of pupils, that textbooks for social science, history or civics classes contain the Declaration of Independence and the Constitution of the United States.

60044. No instructional materials shall be adopted by any governing board for use in the schools which, in its determination, contains:

(a) Any matter reflecting adversely upon persons because of their race, color, creed, national origin, ancestry, sex, handicap, or occupation.

(b) Any sectarian or denominational doctrine or propaganda contrary to law.

60045. (a) All instructional materials adopted by any governing board for use in the schools shall be, to the satisfaction of the governing board, accurate, objective, and current and suited to the needs and comprehension of pupils at their respective grade levels.

(b) With the exception of literature and trade books, all instructional materials adopted by any governing board for use in schools shall use proper grammar and spelling. The state board may adopt regulations that provide for other allowable exceptions to this subdivision for educational purposes, as determined by the state board.

60046. Any governing board may conduct an investigation of the compliance of any instructional materials that it adopts with the requirements of this article.

60047. In the event that after the good faith acquisition of instructional materials by a governing board, the instructional materials are found to be in violation of this article and the governing board is unable to acquire other instructional materials which meet the requirements of this article in time for them to be used when the acquired materials were planned to be used, the governing board may use the acquired materials but only for that academic year.

60048. (a) Basic instructional materials, and other instructional materials required to be legally and socially compliant pursuant to sections 60040 to 60047, inclusive, including illustrations, that provide any exposure to a commercial brand name, product, or corporate or company logo in a manner that is inconsistent with guidelines or frameworks adopted by the State Board of Education may not be adopted by a school district governing board.

(b) The governing board of a school district may not adopt basic instructional materials, and other instructional materials required to be legally and socially compliant pursuant to Sections 60040 to 60047, inclusive, including illustrations, that contain a commercial brand name, product, or corporate or company logo unless the governing board makes a specific finding pursuant to the criteria set forth in paragraph (5) of subdivision (c) of Section 60200 that the use of the commercial brand name, product, or corporate or company logo in the instructional materials is appropriate.

(c) Nothing in this section shall be construed to prohibit the publisher of instructional materials to include whatever corporate name or logo on the instructional materials that is necessary to provide basic information about the publisher, to protect its copyright, or to identify third party sources of content.

(d) The state board may adopt regulations that provide for other allowable exceptions to this section, as determined by the state board.

(e) The Superintendent of Public Instruction shall develop, and the State Board of Education shall adopt, guidelines to implement this section.

60060. Every publisher or manufacturer of instructional materials offered for adoption or sale in California shall comply with all the requirements and provisions of this part.

60061. (a) A publisher or manufacturer shall do all of the following:

(1) Furnish the instructional materials offered by the publisher at a price in this state that, including all costs of transportation to that place, does not exceed the lowest price at which the publisher offers those instructional materials for adoption or sale to any state or school district in the United States.

(2) Automatically reduce the price of those instructional materials to any governing board to the extent that reductions are made elsewhere in the United States.

(3) Provide any instructional materials free of charge in this state to the same extent as that received by any state or school district in the United States.

(4) Guarantee that all copies of any instructional materials sold in this state are at least equal in quality to the copies of those instructional materials that are sold elsewhere in the United States, and are kept revised, free from all errors, and up to date as may be required by the state board.

(5) Not in any way, directly or indirectly, become associated or connected with any combination in restraint of trade in instructional materials, or enter into any understanding, agreement, or combination to control prices or restrict competition in the sale of instructional materials for use in this state.

(6) Maintain a representative, office, or depository in the State of California or arrange with an independently owned and operated depository in the State of California to receive and fill orders for instructional materials.

(7) Provide to the state, at no cost, computer files or other electronic versions of each state-adopted literary title and the right to transcribe, reproduce, modify, and distribute the material in braille, large print if the publisher does not offer a large print edition, recordings, American Sign Language videos for the deaf, or other specialized accessible media exclusively for use by pupils with visual disabilities or other disabilities that prevent use of standard instructional materials. Computer files or other electronic versions of materials adopted shall be provided within 30 days of request by the state as needed for the purposes described in this subdivision as follows:

(A) Computer files or other electronic versions of literary titles shall maintain the structural integrity of the standard instructional materials, be compatible with commonly used braille translation and speech synthesis software, and include corrections and revisions as may be necessary.

(B) Computer files or other electronic versions of nonliterary titles, including science and mathematics, shall be provided when technology is available to convert those materials to a format that maintains the structural integrity of the standard instructional materials and is compatible with braille translation and speech synthesis software.

(b) Upon the willful failure of the publisher or manufacturer to comply with the requirements of this section, the publisher or manufacturer shall be liable to the governing board in the amount of three times the total sum that the publisher or manufacturer was paid in excess of the price required under paragraphs (1), (2), and (5) of subdivision (a), and in the amount of three times the total value of the instructional materials and services that the governing board is entitled to receive free of charge under subdivision (a).

60061.5. A publisher or manufacturer shall do all of the following:

(a) Actively solicit or make available a process through which input concerning the quality, content, and usability of textbooks and instructional materials can be obtained from educators, parents, teachers, and students.

Upon request of a district governing board a publisher shall provide a summation of that information including both positive and critical input and their responses to the positive and critical input.

(b) Guarantee delivery of textbooks and instructional materials prior to the opening of school in the year in which the textbooks and instructional materials are to be used if they are ordered by a date or dates specified in the contract with the district.

60062. The provisions of section 60061 shall apply to the purchase of instructional materials under sections 18132 and 18171.

60070. No school official shall require any pupil, except pupils in classes for adults to purchase any instructional material for the pupils' use in the school.

60071. No publisher or manufacturer of instructional materials, nor any of his representatives, shall offer or give any emolument, money, or other valuable thing, or any inducement, to any school official to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material.

60072. No school official shall accept any emolument, money or other valuable thing, or any inducement to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material.

60073. Any publisher or manufacturer of instructional materials or his representative, or any school official who violates any of the provisions of this article is guilty of a misdemeanor. Any school official who violates any of the provisions of this article shall, in addition to any other penalty, be removed from his official position.

60074. Nothing in this article shall be construed to prevent any publisher, manufacturer, or agent from supplying for purposes of examination necessary sample copies of instructional materials to any school official.

60075. Nothing in this article shall be construed to prevent a school official from receiving sample copies of instructional materials.

60076. Nothing contained in this article shall be construed to prohibit or restrict a school official from receiving royalties or other compensation from the publisher or manufacturer of instructional materials written, designed, or prepared by such school official, and adopted or purchased by any governing board, other than compensation paid as commission to the school official for negotiating sales to governing boards. No district shall have or claim the right to receive any such royalty or other compensation due to any school official employed by the district unless the instructional material was written or prepared during the normal school day during which the school official is required by the district to be on duty.

60090. Each district board shall make reports, whenever required, directly to the Superintendent of Public Instruction, concerning the instructional materials used in its schools.

60110. It is the intent of the Legislature that the State Board of Education gives high priority to the adoption of instructional materials on alcohol, drug, and traffic safety education for classroom use by teachers and pupils. The materials shall be designed to assist the teacher in presenting instruction on alcohol, drug, and traffic safety education and to meet the needs of pupils at their respective grade levels. The materials shall be accurate, objective, and current.

60111. The Department of Education shall establish an information center of current alcohol, drug, and traffic safety education materials that may be used by school districts and teachers for instruction on alcohol, drug, and traffic safety education. The information center shall include, but not be limited to, all the following: current state and federal alcohol and drug laws, including those related to traffic safety; samples of effective courses of study, curriculum guides, teaching

materials, and reference materials; and reports of current and school district policies related to alcohol, drug, and traffic safety education.

60115. (a) The State Department of Education shall assemble, coordinate, and make available to the public schools and to private driving schools in this state, upon request, for their use in driver education programs, any relevant programs, materials, and information prepared or compiled by the Governor's Intergovernmental Advisory Committee on Alcohol, Drugs, and Traffic Safety.

(b) The Superintendent of Public Instruction shall allow to each school district maintaining a high school, county superintendents of schools, and the Department of the Youth Authority an amount not to exceed one dollar (\$1) per pupil instructed in driver education during the preceding fiscal year. At least 50 percent of the funds received pursuant to this subdivision shall be used for the purchase of related instructional materials or for related in-service training for teachers, or both. Funds to implement this subdivision shall be provided when appropriated by the Legislature from the Driver Training Penalty Assessment Fund.

60117. This article shall be known and may be cited as the Pupil Textbook and Instructional Materials Incentive Program Act.

60118. County offices of education may, at their option, be eligible to receive funds pursuant to this article. Allocations to county offices of education shall be based upon prior year average daily attendance in county operated educational programs and at the average amount allocated to school districts per unit of average daily attendance. For the purposes of this article, the terms "governing board of a school district" and "governing board" are deemed to include county boards of education.

60119. (a) For the 1999-2000 fiscal year and each fiscal year thereafter, in order to be eligible to receive funds available for the purposes of this article, the governing board of a school district shall take the following actions:

(1) The governing board shall hold a public hearing or hearings at which the governing board shall encourage participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders, and shall make a determination, through a resolution, as to whether each pupil in each school in the district has, or will have prior to the end of that fiscal year, sufficient textbooks or instructional materials, or both, in each subject that are consistent with the content and cycles of the curriculum framework adopted by the state board.

(2) (A) If the governing board determines that there are insufficient textbooks or instructional materials, or both, the governing board shall provide information to classroom teachers and to the public setting forth the reasons that each pupil does not have sufficient textbooks or instructional materials, or both, and take any action, except an action that would require reimbursement by the Commission on State Mandates, to ensure that each pupil has sufficient textbooks or instructional materials, or both, within a two-year period from the date of the determination.

(B) In carrying out subparagraph (A), the governing board may use money in any of the following funds:

(i) Any funds available for textbooks or instructional materials, or both, from categorical programs, including any funds allocated to school districts that have been appropriated in the annual Budget Act.

(ii) Any funds of the school district that are in excess of the amount available for each pupil during the prior fiscal year to purchase textbooks or instructional materials, or both.

(iii) Any other funds available to the school district for textbooks or instructional materials, or both.

(b) The governing board shall provide 10 days' notice of the public hearing or hearings set forth in subdivision (a). The notice shall contain the time, place, and purpose of the hearing and shall be posted in three public places in the school district.

(c) Except for purposes of Section 60252, governing boards of school districts that receive funds for instructional materials from any state source, are subject to the requirements of this section only in a fiscal year in which the Superintendent of Public Instruction determines that the base revenue limit for each school district will increase by at least 1 percent per unit of average daily attendance from the prior fiscal year.

(d) The governing board of a school district is eligible to receive funds available for the purposes of this article for the 1994-95 fiscal year to the 1998-99 fiscal year, inclusive, whether or not the governing board complied with the public hearing requirement set forth in paragraph (1) of subdivision (a).

60200. The state board shall adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive, for governing boards, subject to the following provisions:

(a) The state board shall adopt at least five basic instructional materials for all applicable grade levels in each of the following categories:

(1) Language arts, including, but not limited to, spelling and reading.

(2) Mathematics.

(3) Science.

(4) Social science.

(5) Bilingual or bicultural subjects.

(6) Any other subject, discipline, or interdisciplinary areas for which the state board determines the adoption of instructional materials to be necessary or desirable.

(b) The state board shall adopt procedures for the submission of basic instructional materials in order to comply with each of the following:

(1) Instructional materials may be submitted for adoption in any of the subject areas pursuant to paragraphs (1) to (5), inclusive, of subdivision (a) not less than two times every six years and in any of the subject areas pursuant to paragraph (6) of subdivision (a) not less than two times every eight years. The state board shall ensure that curriculum frameworks are reviewed and adopted in each subject area consistent with the six- and eight-year submission cycles and that the criteria for evaluating instructional materials developed pursuant to subdivision (b) of section 60204 are consistent with subdivision (c). The state board may prescribe reasonable conditions to restrict the resubmission of materials that have been previously rejected if those resubmitted materials have no substantive changes.

(2) Submitted instructional materials shall be adopted or rejected within six months of the submission date of the materials pursuant to paragraph (1), unless the state board determines that a longer period of time, not to exceed an additional three months, is necessary due to the

estimated volume or complexity of the materials for that subject in that year, or due to other circumstances beyond the reasonable control of the state board.

(c) In reviewing and adopting or recommending for adoption submitted basic instructional materials, the state board shall use the following criteria, and ensure that, in its judgment, the submitted basic instructional materials meet all of the following criteria:

(1) Are consistent with the criteria and the standards of quality prescribed in the state board's adopted curriculum framework. In making this determination, the state board shall consider both the framework and the submitted instructional materials as a whole.

(2) Comply with the requirements of sections 60040, 60041, 60042, 60043, 60044, 60048, 60200.5, and 60200.6, and the state board's guidelines for social content.

(3) Are factually accurate and incorporate principles of instruction reflective of current and confirmed research.

(4) Adequately cover the subject area for the grade level or levels for which they are submitted.

(5) Do not contain materials, including illustrations, that provide unnecessary exposure to a commercial brand name, product, or corporate or company logo. Materials, including illustrations, that contain a commercial brand name, product, or corporate or company logo may not be used unless the board determines that the use of the commercial brand name, product, or corporate or company logo is appropriate based on one of the following specific findings:

(A) If text, the use of the commercial brand name, product, or corporate or company logo in the instructional materials is necessary for an educational purpose, as defined in the guidelines or frameworks adopted by the State Board of Education.

(B) If an illustration, the appearance of a commercial brand name, product, or corporate or company logo in an illustration in instructional materials is incidental to the general nature of the illustration.

(6) Meet other criteria as are established by the state board as being necessary to accomplish the intent of section 7.5 of Article IX of the California Constitution and of section 1 of this act, provided that the criteria are approved by resolution at the time the resolution adopting the framework for the current adoption is approved, or at least 30 months prior to the date that the materials are to be approved for adoption.

(d) If basic instructional materials are rejected, the state board shall provide a specific, written explanation of the reasons why the submitted materials were not adopted, based upon one or more of the criteria established under subdivision (c). In providing this explanation, the state board may use, in whole or in part, materials written by the commission or any other advisers to the state board.

(e) The state board may adopt fewer than five basic instructional materials in each subject area for each grade level if either of the following occurs:

(1) Fewer than five basic instructional materials are submitted.

(2) The state board specifically finds that fewer than five basic instructional materials meet the criteria prescribed by paragraphs (1) to (5), inclusive, of subdivision (c), or the materials fail to meet the state board's adopted curriculum framework. If the state board adopts fewer than five basic instructional materials in any subject for any grade level, the state board shall conduct a review of the degree to which the criteria and procedures used to evaluate the submitted materials for that adoption were consistent with the state board's adopted curriculum framework.

(f) Nothing in this section shall limit the authority of the state board to adopt materials that are not basic instructional materials.

(g) If a district board establishes to the satisfaction of the state board that the state-adopted instructional materials do not promote the maximum efficiency of pupil learning in the district, the state board shall authorize that district governing board to use its instructional materials allowances to purchase materials as specified by the state board, in accordance with standards and procedures established by the state board.

(h) Consistent with the quality criteria for the state board's adopted curriculum framework, the state board shall prescribe procedures to provide the most open and flexible materials submission system and ensure that the adopted materials in each subject, taken as a whole, provide for the educational needs of the diverse pupil populations in the public schools, provide collections of instructional materials that illustrate diverse points of view, represent cultural pluralism, and provide a broad spectrum of knowledge, information, and technology-based materials to meet the goals of the program and the needs of pupils.

(i) Upon making an adoption, the state board shall make available to listed publishers and manufacturers and all school interests a listing of instructional materials, including the most current unit cost of those materials as computed pursuant to existing law. Items placed upon lists shall remain thereon, and be available for procurement through the state's systems of financing, from the date of the adoption of the item and until a date established by the state board. The date established by the board for continuing items on that list shall be the earlier of not more than six years from the date of adoption for instructional materials pertaining to subject areas designated in paragraphs (1) to (5), inclusive, of subdivision (a), and not more than eight years from the date of adoption for instructional materials pertaining to subject areas designated in paragraph (6) of subdivision (a), or the date on which the state board adopts instructional materials based upon a new or revised curriculum framework. Lists of adopted materials shall be made available by subject and grade level. The lists shall terminate and shall no longer be effective on the date prescribed by the state board pursuant to this subdivision.

(j) The state board may approve multiple lists of instructional materials, without designating a grade or subject, and the state board may designate more than one grade or subject whenever it determines that a single subject designation or a single grade designation would not promote the maximum efficiency of pupil learning. Any materials so designated may be placed on single grade or single subject lists, or multigrade or interdisciplinary lists, or may be placed on separate lists including other materials with similar grade or subject designations.

(k) A composite listing in the format of an order form may be used to meet the requirements of this section.

(l) The lists maintained pursuant to this section shall not be deemed to control the use period by any local district.

(m) The state board shall give publishers the opportunity to modify instructional materials, in a manner provided for in regulations adopted by the state board, if the state board finds that the instructional materials do not comply with paragraph (5) of subdivision (c).

(n) Nothing in this section shall be construed to prohibit the publisher of instructional materials from including whatever corporate name or logo on the instructional materials that is necessary to provide basic information about the publisher, to protect its copyright, or to identify third party sources of content.

(o) The state board may adopt regulations that provide for other exceptions to this section, as determined by the board.

(p) The Superintendent of Public Instruction shall develop, and the State Board of Education shall adopt, guidelines to implement this section.

60200.1. (a) Notwithstanding any other provision of law, the limitation in paragraph (5) of subdivision (c) of section 60200, which requires that other criteria be approved at least 30 months prior to the date that the materials are to be approved for adoption, shall not apply if all of the following conditions are met:

(1) The criteria adopted are consistent with the content standards adopted by the State Board of Education in each of the four core content areas for which standards are adopted.

(2) The schedule for the adoption of instructional materials requires instructional materials for history and social science to be adopted by March 31, 1999, instructional materials for science to be adopted by March 31, 2000, instructional materials for mathematics to be adopted by March 31, 2001, and instructional materials for language arts and reading to be adopted by March 31, 2002.

(3) The State Board of Education approves criteria for the adoption of instructional materials in science at least 12 months before the board adopts instructional materials in science.

(4) Except as provided in paragraph (5), the State Board of Education approves the criteria for the adoption of instructional materials for language arts, reading, and mathematics at least 18 months before the board adopts instructional materials in language arts, reading, and mathematics.

(5) The State Board of Education adopts a policy allowing additional submissions and adoptions of instructional materials in language arts, and reading, including spelling, and mathematics to be added to those already adopted if the following conditions are met:

(A) The additional instructional materials cover a course of study, or a substantial portion of a course of study, essential to meeting adopted academic content standards and are aligned with the adopted academic content standards.

(B) At least 120 days is provided from the adoption of the other criteria to submission of the additional instructional materials for review.

(b) This section shall become inoperative on April 1, 2002, and, as of January 1, 2003, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2003, deletes or extends the dates on which it becomes inoperative and is repealed.

60200.2. (a) In addition to the findings authorized under subparagraphs (A) and (B) of paragraph (5) of subdivision (c) of section 60200, if the state board finds that the use of a commercial brand name, product, or corporate or company logo in an instructional material is authorized under a contract entered into under paragraph (3) of subdivision (a) of section 35182.5 as added by Assembly Bill 117 of the 1999-2000 Regular Session, the state board may allow the use of that instructional material.

(b) This section shall become operative only if section 35182.5 as proposed by Assembly Bill 117 of the 1999-2000 Regular Session is enacted and takes effect.

60200.4. (a) The State Board of Education shall ensure that the basic instructional materials that it adopts for mathematics and reading in grades 1 to 8, inclusive, are based on the fundamental skills required by these subjects, including, but not limited to, systematic, explicit phonics, spelling, and basic computational skills.

(b) It is the intent of the Legislature that the fundamental skills of all subject areas, including systematic, explicit phonics, spelling, and basic computational skills, be included in the adopted curriculum frameworks and that these skills and related tasks increase in depth and complexity

from year to year. It is the intent of the Legislature that the instructional materials adopted by the State Board of Education meet the provisions of this section.

60200.5. Instructional materials adopted under this chapter shall, where appropriate, be designed to impress upon the minds of the pupils the principles of morality, truth, justice, patriotism, and a true comprehension of the rights, duties, and dignity of American citizenship, and to instruct them in manners and morals and the principles of a free government. The State Board of Education shall endeavor to see that this objective is accomplished in the evaluation of instructional materials for educational content in appropriate subject areas.

60200.6. Instructional materials adopted pursuant to this chapter for the category of social science as specified in paragraph (5) of subdivision (a) of section 60200 shall include information designed to instruct pupils on Dr. Martin Luther King, Jr., the civil rights movement, and contributions made by ethnic minority groups to the history of the United States. The state board shall ensure that the materials present the information in a manner consistent with the instruction provided in each grade level. The state board shall endeavor to see that this objective is accomplished in the evaluation of instructional materials for educational content.

60201. In approving and maintaining lists of adopted instructional materials, the state board shall, pursuant to subdivision (e) of section 60200, do any one or more of the following, when applicable:

- (a) Retain any instructional materials from a previous list and biennially make any adjustment in prices based on information provided pursuant to section 60223.

- (b) Delete from the lists any instructional material which it determines is obsolete pursuant to section 60500, or which received no order from any district board during the previous two years.

- (c) Add instructional materials not previously submitted for adoption, or materials previously submitted which have been revised to comply with any recommendations of the state board.

60202. Before final adoption of any instructional materials not currently listed, the state board shall make any instructional materials proposed for adoption available for public inspection for not less than 30 days at display centers designated by the Superintendent of Public Instruction. There shall be an adequate distribution of display centers throughout the state.

60203. The state board shall give the commission a public hearing before making any adoption of instructional materials for use in the elementary schools of the state.

60204. The commission shall:

- (a) Recommend curriculum frameworks to the state board.

- (b) Develop criteria for evaluating instructional materials submitted for adoption so that the materials adopted shall adequately cover the subjects in the indicated grade or grades and which comply with the provisions of Article 3 (commencing with section 60040) of Chapter 1. The criteria developed by the commission shall be consistent with the duties of the state board pursuant to section 60200. The criteria shall be public information and shall be provided in written or printed form to any person requesting such information.

- (c) Study and evaluate instructional materials submitted for adoption.

- (d) Recommend to the state board instructional materials that it approves for adoption.

(e) Review and have the authority to adopt the educational films or videotapes produced in accordance with Article 3 (commencing with section 52740) of Chapter 11 of Part 28.

(f) Recommend to the state board policies and activities to assist the Department and school districts in the use of the curriculum framework and other available model curriculum materials for the purpose of guiding and strengthening the quality of instruction in the public schools.

60206. The state board may adopt appropriate regulations to implement this chapter. These regulations may include a procedure to review district invoices for instructional materials purchases made pursuant to subdivision (b) of section 60242.

60220. All publishers and manufacturers submitting instructional materials for adoption by the state board shall comply with the provisions of Article 1 (commencing with section 60000) to Article 7 (commencing with section 60100), inclusive, of this part.

60221. Publishers and manufacturers submitting instructional materials for adoption shall provide sample copies of such materials in quantities to be determined by the state board.

60222. Publishers and manufacturers, at a time designated by the state board, shall submit detailed specifications of the physical characteristics of that material. The publisher or manufacturer shall comply with those specifications if the material is adopted and purchased in completed form by the state board or any district board. Changes in specifications may be made when approved by the state board and the publisher or manufacturer.

60223. Publishers and manufacturers may biennially submit revisions to price schedules submitted pursuant to subdivision (a) of section 60201.

60225. As agreed upon by publishers and school districts, publishers may provide in-service training or professional development in the use of the instructional materials provided by them.

60226. Publishers and manufacturers shall, in accordance with rules and regulations adopted by the state board, develop plans to improve the quality and reliability of instructional materials through learner verification. District boards shall be encouraged to permit publishers and manufacturers to have limited access to classrooms for necessary testing and observation. Publishers and manufacturers shall provide copies of test results and evaluations made as part of learner verification at the request of any governing board.

60240. (a) The State Instructional Materials Fund is hereby continued in existence in the State Treasury. The fund shall be a means of annually funding the acquisition of instructional materials as required by the Constitution of the State of California. Notwithstanding Section 13340 of the Government Code, all money in the fund is continuously appropriated to the State Department of Education without regard to fiscal years for carrying out the purposes of this part. It is the intent of the Legislature that the fund shall provide for flexibility of instructional materials, including classroom library materials.

(b) The State Department of Education shall administer the fund under policies established by the state board.

(c) (1) The state board shall encumber part of the fund to pay for accessible instructional materials pursuant to Sections 60312 and 60313 to accommodate pupils who are visually impaired or have other disabilities and are unable to access the general curriculum.

(2) The state board may encumber funds, in an amount not to exceed two hundred thousand dollars (\$200,000), for replacement of instructional materials, obtained by a school district with its allowance that are lost or destroyed by reason of fire, theft, natural disaster, or vandalism.

(3) The state board may encumber funds for the costs of warehousing and transporting instructional materials it has acquired.

60242. (a) The state board shall encumber the fund for the purpose of establishing an allowance for each school district, which may reflect increases or decreases in enrollment, that the district may use for the following purposes:

(1) To purchase instructional materials adopted by the state board pursuant to Section 60200 for kindergarten and grades 1 to 8, inclusive, or by the governing board pursuant to Section 60400 for grades 9 to 12, inclusive.

(2) To purchase, at the district's discretion, instructional materials, including, but not limited to, supplementary instructional materials and technology-based materials, from any source.

(3) To purchase tests.

(4) To bind basic textbooks that are otherwise usable and are on the most recent list of basic instructional materials adopted by the state board and made available pursuant to Section 60200.

(5) To fund in-service training related to instructional materials.

(6) To purchase classroom library materials for kindergarten and grades 1 to 4, inclusive.

(b) The state board shall specify the percentage of a district's allowance that is authorized to be used for each of the purposes identified in subdivision (a).

(c) Allowances established for school districts pursuant to this section shall be apportioned in September of each fiscal year.

(d) (1) A school district that purchases classroom library materials, shall, as a condition of receiving funding under this article, develop a districtwide classroom library plan for kindergarten and grades 1 to 4, inclusive, and shall receive certification of the plan from the governing board of the school district. A school district shall include in the plan a means of preventing loss, damage, or destruction of the materials.

(2) In developing the plan required by paragraph (1), a school district is encouraged to consult with school library media teachers and primary grade teachers and to consider selections included in the list of recommended books established pursuant to Section 19336. If a school library media teacher is not employed by the school district, the district is encouraged to consult with a school library media teacher employed by the local county office of education in developing the plan. A charter school may apply for funding on its own behalf or through its chartering entity. Notwithstanding Section 47610, a charter school applying on its own behalf is required to develop and certify approval of a classroom library plan.

(3) To the extent that a school district, county office of education, or charter school already has a plan meeting the criteria specified in paragraphs (1) and (2), no new plan is required to establish eligibility.

60242.5. Allowances received by districts pursuant to subdivisions (a) and (b) of Section 60242 shall be deposited into a separate account as specified by the Superintendent of Public Instruction. These allowances, including any interest generated by them, shall be used only for

the purchase of instructional materials, tests, classroom library materials, or in-service training pursuant to subdivisions (a) and (b) of Section 60242. Interest posted to the account shall be based upon reasonable estimates of monthly balances in the account and the average rate of interest earned by other funds of the district.

All purchases of instructional materials made with funds from this account shall conform to law and the applicable rules and regulations adopted by the state board, and the district superintendent shall provide written assurance of conformance to the Superintendent of Public Instruction. The Superintendent of Public Instruction may withhold the allowance established pursuant to Section 60242 for any district which has failed to file a written assurance for the prior fiscal year. The Superintendent of Public Instruction may restore the amount withheld once the district provides the written assurance. The Controller, in cooperation with the State Department of Education, shall include procedures to review compliance with this section in its independent audit instructions.

60245. The fiscal yearend unexpended balance of any cash allotment of any district board shall be separately encumbered for the district board and shall be separately carried over into the subsequent fiscal year for their respective uses by the district board.

60246. (a) The Controller shall, during each fiscal year, commencing with the 1983-84 fiscal year, transfer from the General Fund of the state to the State Instructional Materials Fund, an amount of twenty-one dollars and eighteen cents (\$21.18) per pupil in the average daily attendance in the public elementary schools during the preceding fiscal year, as certified by the Superintendent of Public Instruction, except that this amount shall be adjusted annually, through and including fiscal year 1987-88, in conformance with the Consumer Price Index, all items, of the Bureau of Labor Statistics of the United States Department of Labor, measured for the calendar year next preceding the fiscal year to which it applies. Commencing with the 1990-91 fiscal year, the amount shall be adjusted annually by an amount equal to the percentage change determined pursuant to subdivision (b) of Section 42238.1.

(b) The amount transferred pursuant to subdivision (a) includes the designated percentage of the cash entitlements to be used to pay for unadopted state materials, tests, and in-service training.

(c) This section shall become inoperative on January 1, 2003, and, as of January 1, 2007, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

60246.5. (a) The Controller shall, during each fiscal year, commencing with the 2002-03 fiscal year, transfer from the General Fund to the State Instructional Materials Fund for instructional materials for kindergarten and grades 1 to 8, inclusive, the amount to be allocated pursuant to Section 60421.

(b) The amount transferred pursuant to subdivision (a) includes the designated percentage of the cash entitlements to be used to pay for unadopted state materials, tests, classroom library materials, and in-service training.

60247. (a) The Superintendent of Public Instruction shall annually apportion to each school district the sum of fourteen dollars and forty-one cents (\$14.41) per pupil enrolled in grades 9 to

12, inclusive, in the school district in the prior fiscal year for the purpose of purchasing instructional materials for the pupils enrolled in those grades.

(b) This section shall become inoperative on January 1, 2003, and, as of January 1, 2007, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

60247.5. The Controller shall, during each fiscal year, commencing with the 2002-03 fiscal year, transfer from the General Fund to the State Instructional Materials Fund for instructional materials for grades 9 to 12, inclusive, the amount to be allocated pursuant to Section 60421.

60248. The governing board of a school district shall use the funds apportioned pursuant to Sections 60247 and 60247.5 solely for the purchase of instructional materials for pupils in grades 9 to 12, inclusive. Textbooks purchased with these funds shall be adopted in accordance with Section 60400.

60251. The Superintendent of Public Instruction may allocate to school districts, funds that were recovered from publishers and deposited into the Instructional Materials Fund as result of proceedings against the publishers.

60251.5. For any fiscal year in which the amount of the moneys appropriated to the State Instructional Materials Fund exceeds the sum of the amount that was appropriated to that fund in the prior fiscal year plus any amounts appropriated in the current fiscal year for instructional materials pursuant to section 42238.15, an amount that is not less than 50 percent of the difference shall be transferred to the Pupil Textbook and Instructional Materials Incentive Account that exists in the State Instructional Materials Fund.

60252. (a) The Pupil Textbook and Instructional Materials Incentive Account is hereby created in the State Instructional Materials Fund, to be used for the Pupil Textbook and Instructional Materials Incentive Program set forth in Article 7 (commencing with Section 60117) of Chapter 1. All money in the account shall be allocated by the Superintendent of Public Instruction to school districts maintaining any kindergarten or any of grades 1 to 12, inclusive, that satisfy each of the following criteria:

(1) A school district shall provide assurance to the Superintendent of Public Instruction that the district has complied with Section 60119.

(2) A school district shall ensure that the money will be used to carry out its compliance with Section 60119 and shall supplement any state and local money that is expended on textbooks or instructional materials, or both.

(b) The superintendent shall ensure that each school district has an opportunity for funding per pupil based upon the district's prior year base revenue limit in relation to the prior year statewide average base revenue limit for similar types and sizes of districts. Districts below the statewide average shall receive a greater percentage of state funds, and districts above the statewide average shall receive a smaller percentage of state funds, in an amount equal to the percentage that the district's base revenue limit varies from the statewide average. Any district with a base revenue limit that equals or exceeds 200 percent of the statewide average shall not be eligible for state funding under this section.

(c) This section shall become inoperative on January 1, 2003, and, as of January 1, 2007, is repealed, unless a later enacted statute that becomes operative on or before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

60310. The following individuals or organizations may order instructional materials from lists adopted by the state board:

(a) The head of any state institution offering instruction in the elementary grades, or giving instruction in the teaching of elementary subjects.

(b) Governing boards or nonpublic schools.

(c) Individuals for use only in California.

The materials shall be purchased at the unit cost determined pursuant to subdivision (b) of section 60222.

60312. The state board shall make available copies of adopted textbooks and other state adopted print materials in large print and other accessible media for pupils enrolled in the elementary schools whose visual acuity is 10/70 or less or who have other visual impairments making the use of these textbooks and alternate formats necessary. The state board shall make available adopted textbooks in braille characters for pupils enrolled in elementary schools whose corrected visual acuity is 20/200 or less. The state board may purchase or contract for the development of those materials.

60313. (a) The Superintendent of Public Instruction shall maintain a central clearinghouse-depository and duplication center for the design, production, modification, and distribution of Braille, large print, special recordings, and other accessible versions of instructional materials for use by pupils with visual impairments or other disabilities who are enrolled in the public schools of California.

(b) Assistive devices placed in the depository shall consist of items designed for use by pupils with visual impairments.

(c) The instructional materials in specialized media shall be available, in a manner determined by the State Board of Education, to other pupils with disabilities enrolled in the public schools of California who are unable to progress in the general curriculum using conventional print copies of textbooks and other study materials.

(d) The specialized textbooks, reference books, recordings, study materials, tangible apparatus, equipment, and other similar items shall be available for use by students with visual impairments enrolled in the public community colleges, the California State University, and the University of California.

60350. It is the intent of the Legislature that each pupil in kindergarten and grades 1 to 3, inclusive, is furnished with a complete set of core reading program instructional materials adopted by the state board in 1996.

60351. (a) The State Department of Education shall apportion funds appropriated for purposes of this article to school districts on the basis of an equal amount per statewide pupil enrollment in kindergarten and grades 1 to 3, inclusive.

(b) For the purposes of this article, the term "school districts" means school districts and county offices of education and the term "governing boards" means governing boards of school districts and county boards of education.

60352. A school district may apply to the state board for funding for the purchase of a complete set of core reading program instructional materials pursuant to this article.

(a) Except as provided in subdivision (b), each school district shall expend funds received pursuant to this article for the sole purpose of purchasing core reading program instructional materials for pupils enrolled in kindergarten and grades 1 to 3, inclusive, that meet the following requirements:

(1) The instructional materials have been adopted by the state board in 1996.

(2) The instructional materials meet the requirements of section 60200.4.

(3) The instructional materials include, but are not necessarily limited to, phonemic awareness, systematic explicit phonics, and spelling patterns, accompanied by reading material that provides practice in the lesson being taught.

(b) A school district may expend up to 5 percent of the amounts received pursuant to this article to acquire independent reading books for pupils enrolled in grades 1 to 4, inclusive, for the purpose of stocking school or classroom libraries.

(c) Each school district that receives funds pursuant to this chapter shall purchase the core reading instructional materials on or before September 30, 1997, except that the state board may extend the last date to purchase materials to not later than September 30, 1998, if in a public hearing the governing board adopts a resolution requesting that extension and stating the reasons therefore. In granting a request for an extension pursuant to this subdivision, the state board shall prescribe the last date that core reading instructional materials may be purchased, but in no event shall the state board authorize a date of extension later than September 30, 1998. It is the intent of the Legislature that the state board authorize extensions to governing boards that have demonstrated that they are unable to meet the deadline set forth in this subdivision because of factors out of their control, including, but not limited to, insufficient time to evaluate and field test the state board-approved materials.

(d) If the governing board establishes, to the satisfaction of the state board, that the state-adopted instructional materials do not promote the maximum efficiency of pupil learning in the district, the state board shall authorize that governing board to use the funds received pursuant to this article to purchase instructional materials as specified by the state board, in accordance with standards and procedures established by the state board, and that meet the requirements of section 60200.4 and include, but are not necessarily limited to, phonemic awareness, systematic explicit phonics, and spelling patterns, accompanied by reading material that provides practice in the lesson being taught. It is the intent of the Legislature that any request made by governing boards pursuant to this subdivision prior to August 31, 1996, be expedited by the state board.

(e) Each governing board shall certify to the State Department of Education that the amounts received pursuant to this chapter have been expended as required by this chapter. The governing board shall certify at a public hearing of the board that each pupil enrolled in kindergarten and grades 1 to 3, inclusive, has been furnished a complete set of core reading program instructional materials that meets the requirements of this section.

60400. The district board of each district maintaining one or more high schools shall adopt textbooks for use in the high schools under its control. Only textbooks of those publishers who

comply with the requirements of Article 3 (commencing with section 60040) and Article 4 (commencing with section 60060) of Chapter 1 of this part and of section 60226 may be adopted by the district board.

60410. The district board of each high school district may fix a charge not to exceed the cost of the books to the high school district for books furnished pupils in classes for adults. In lieu of fixing such charge, the board may lend books to such pupils and require the making of deposits by the pupils, the amount of deposit made by a pupil to be refunded to him upon the return by him of the books lent him in good condition, reasonable wear and tear excepted.

60411. The district board of each high school district shall purchase textbooks and may purchase supplementary books for the use of pupils enrolled in the high schools of the district. The textbooks and supplementary books shall at all times remain the property of the district, and shall be supplied to the pupils for use without charge.

60420. The Instructional Materials Funding Realignment Program is hereby established and shall be administered by the Superintendent of Public Instruction.

60421. (a) The State Department of Education shall apportion funds appropriated for purposes of this chapter to school districts on the basis of an equal amount per pupil enrolled in kindergarten and grades 1 to 12, inclusive, in the prior year, excluding summer school, adult, and regional occupational center and regional occupational programs enrollment. Enrollment shall be certified by the Superintendent of Public Instruction and based on data as reported by the California Basic Education Data System count. A school district or charter school in its first year of operation or of expanding grade levels at a schoolsite shall be eligible to receive funding pursuant to this chapter based on enrollment estimates provided to the State Department of Education by the school district or charter school. As a condition of receipt of funding, a school district or charter school in its first year of operation or of expanding grade levels at a schoolsite shall provide enrollment estimates, as approved by the school district governing board or charter school's charter-granting local educational agency and the county office of education in which the school district or charter school's charter-granting agency is located. These estimates and associated funding shall be adjusted for actual enrollment as reported by the subsequent California Basic Education Data System.

(b) For the purposes of this chapter, the term "school district" means a school district, county office of education, or charter school, and the term "local governing board" means the governing board of a school district, county board of education, or governing body of a charter school.

(c) Allowances established pursuant to this chapter shall be apportioned to school districts in September of each fiscal year.

(d) Notwithstanding any other provision of law, pursuant to subdivision (g) of Section 60200, the State Board of Education may authorize a school district to use any state basic instructional materials allowance to purchase standards-aligned materials as specified within this part.

60422. (a) A local governing board shall use funding received pursuant to this chapter to ensure that each pupil is provided with a standards-aligned textbook or basic instructional materials, as adopted by the State Board of Education subsequent to the adoption of content standards pursuant to Section 60605 for kindergarten and grades 1 to 8, inclusive, or as adopted by the

local governing board pursuant to Sections 60400 and 60411, for grades 9 to 12, inclusive. Pupils shall be provided with standards-aligned textbooks or basic instructional materials by the beginning of the first school term that commences no later than 24 months after those materials were adopted by the State Board of Education.

(b) Once a governing board certifies compliance with subdivision (a) with regard to standards-aligned instructional materials in the core curriculum areas of reading/language arts, mathematics, science, and history/social sciences, and if the governing board of a school district has met the eligibility requirements of Section 60119, the remaining funds may only be used consistent with subdivision (a) of Section 60242 and pursuant to Section 60242.5.

(c) The State Board of Education may grant the school district additional time to meet the purchasing requirements of subdivision (a) if the governing board of the school district demonstrates, to the satisfaction of the state board, that all of the following criteria apply to the district:

(1) The school district has implemented a well-designed, standards-aligned basic instructional materials program.

(2) The school district, at the time of its request for additional time pursuant to this subdivision, has sufficient textbooks or basic instructional materials for use by each pupil.

(3) The school district has adopted a plan for the purchase of standards-aligned instructional materials in accordance with subdivision (a) but that plan indicated an alternative date for compliance that is declared in the request for additional time.

(d) The funds provided for the purchase of instructional materials in Schedules 1 and 2 of Item 6110-189-0001 and paragraph 6 of Item 6110-485 of Section 2.00 of the Budget Act of 2002 shall be used for the purposes of, and allocated consistent with, this chapter.

60424. This chapter shall be administered for purposes of funding as if it had been in effect at the beginning of the 2002-03 fiscal year. This chapter shall become inoperative on July 1, 2007, and, as of January 1, 2008, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2008, deletes or extends the dates on which it becomes operative and is repealed.

60450. (a) This act shall be known and may be cited as the Schiff-Bustamante Standards-Based Instructional Materials Program.

(b) It is the intent of the Legislature that school districts use the resources provided pursuant to this chapter and any other available resources to ensure that pupils in kindergarten and grades 1 to 12, inclusive, be provided with instructional materials in the core curriculum areas of language arts, mathematics, history/social science, and science that are aligned with state content standards as adopted by the State Board of Education pursuant to section 60605 in 1997 and 1998. It is further the intent of the Legislature that the funding provided pursuant to this chapter supplement and not supplant funding for instructional materials provided from other sources.

60450.5. (a) The State Department of Education shall apportion funds appropriated for purposes of this chapter on the basis of an equal amount per pupil enrolled in public elementary schools and high schools, excluding summer school, adult, and regional occupational program and center enrollment, during the preceding fiscal year, as certified by the Superintendent of Public Instruction based on California Basic Education Data System (CBEDS) data. This method of allocation, using enrollment instead of average daily attendance, shall not be construed as a

precedent for future allocation methods for instructional materials or for any other education program.

(b) For the purposes of this chapter, the term "school districts" means school districts, county offices of education, and charter schools, and the term "local governing board" means the governing board of a school district, the county board of education, or the governing body of a charter school.

60451. Each school district shall expend funds received pursuant to this chapter for the sole purpose of purchasing instructional materials in the core curriculum that are aligned to content standards for pupils in kindergarten and grades 1 to 12, inclusive, that meet all of the following requirements:

(a) The instructional materials are aligned with content standards adopted by the State Board of Education in 1997 or 1998.

(b) The instructional materials for pupils in kindergarten and grades 1 to 8, inclusive, have been adopted by the State Board of Education pursuant to Chapter 2 (commencing with section 60200) of Part 33, using criteria aligned to the adopted content standards.

(c) The instructional materials for pupils in grades 9 to 12, inclusive, are basic instructional materials, as defined in subdivision (a) of section 60010, that have been reviewed and approved, through a resolution adopted by the local governing board, as being aligned with the content standards adopted by the State Board of Education in 1997 or 1998.

(d) Prior to purchase, publishers shall be required to submit standards maps to local districts so that the districts can determine the extent to which instructional materials or combination of instructional materials for pupils in grades 9 to 12, inclusive, are aligned to the content standards adopted by the State Board of Education. The standards maps shall be filled out using a standard form created and approved by the State Board of Education.

60451.5. (a) Each school district that receives funds pursuant to this chapter shall purchase instructional materials aligned to language arts, mathematics, history/social science, or science content standards from funds appropriated for this purpose in the Budget Act of 1998 or the act that adds this chapter. Priority shall be given to the purchase of mathematics instructional materials.

(b) Each school district that receives funds pursuant to this chapter shall purchase instructional materials aligned to content standards in language arts, mathematics, history/social science, or science from funds appropriated in the 1999-2000 fiscal year and the two subsequent fiscal years for the purposes of this chapter.

60452. (a) Allowances received by school districts pursuant to this chapter shall be deposited into a separate account as specified by the Superintendent of Public Instruction. These allowances, including any interest generated by them, shall be used only for the purchase of instructional materials pursuant to this chapter. Interest posted to the account shall be based upon reasonable estimates of monthly balances in the account and the average rate of interest earned by other funds of the school district.

(b) All purchases of instructional materials made with funds from this account shall conform to law and the applicable rules and regulations adopted by the State Board of Education, and the superintendent of a school district that purchases instructional materials with these funds shall provide written assurance of this conformance to the Superintendent of Public Instruction.

Commencing September 1, 1999, the Superintendent of Public Instruction shall withhold the allowance established pursuant to section 60452.5 from any school district that has failed to file a written assurance for the prior fiscal year. The Superintendent of Public Instruction may restore the amount withheld once the school district provides the written assurance.

(c) The office of the Controller, in cooperation with the State Department of Education, shall include procedures to review compliance with this section in its independent audit instructions.

60452.5. (a) In each of the fiscal years from 1999-2000 to 2001-02, inclusive, the sum of two hundred fifty million dollars (\$250,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for allocation to school districts pursuant to this chapter. All funds appropriated for the purposes of this chapter shall be allocated on the basis of an equal amount per pupil enrolled in public elementary schools and high schools, as set forth in section 60450.5, and as reported for the year prior to the allocation of funds.

(b) For the purposes of making the computations required by section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of section 41202 of the Education Code, for the 1999-2000, 2000-01, and 2001-02 fiscal year, as appropriate, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of section 41202 of the Education Code, for the 1999-2000, 2000-01, and 2001-02 fiscal year.

(c) The allocation made pursuant to subdivision (a) shall be made no later than October 1 of each fiscal year.

60453. This chapter shall become inoperative on June 30, 2002, and as of January 1, 2003, is repealed, unless a later enacted statute, which is enacted before January 1, 2003, deletes or extends the dates on which it becomes inoperative and is repealed.

60500. For the purposes of this chapter, governing boards shall adopt rules, regulations and procedures for prescribing standards for determining when instructional materials adopted by them and either loaned by them or in their possession are obsolete, and if such materials are usable or unusable for educational purposes.

60501. A school district may review instructional materials to determine when those materials are obsolete pursuant to the rules, regulations, and procedures adopted pursuant to section 60500 and may report the results of its review and staff recommendations at a public meeting of the school district governing board.

60510. The state board, the governing board of any school district that employs a superintendent of schools, and other school districts with the approval of the county superintendent of schools, may dispose of surplus or undistributed obsolete instructional materials in their possession that are usable for educational purposes in any of the following ways:

(a) By donation to any governing board, county free library or other state institution.

(b) By donation to any public agency or institution of any territory or possession of the United States, or the government of any country that formerly was a territory or possession of the United States.

- (c) By donation to any nonprofit charitable organization.
- (d) By donation to children or adults in the State of California, or foreign countries for the purpose of increasing the general literacy of the people.
- (e) By sale to any organization that agrees to use the materials solely for educational purposes.

60510.5. (a) Prior to the disposition by a school district of any instructional materials pursuant to section 60510, the school district governing board is encouraged to do both of the following:

(1) No later than 60 days prior to that disposition, notify the public of its intention to dispose of those materials through a public service announcement on a television station in the county in which the district is located, a public notice in a newspaper of general circulation published in that county, or any other means that the governing board determines to reach most effectively the entities described in subdivisions (a) to (e), inclusive, of section 60510.

(2) Permit representatives of the entities described in subdivisions (a) to (e), inclusive, of section 60510 and members of the public to address the governing board regarding that disposition.

(b) This section does not apply to any school district that, as of January 1, 1992, had in operation a procedure for the disposition of instructional materials pursuant to section 60510.

60511. Any organization, agency or institution receiving obsolete instructional materials under the provisions of this article must certify to the governing board that it agrees to use the materials for educational purposes and agrees to make no charge of any kind to the persons to whom the organization gives or lends such materials.

60520. Any money received by the state board from the sale of obsolete instructional materials pursuant to this chapter shall be deposited in the State Instructional Materials Fund.

60521. Any money received by the governing board of a school district from the sale of instructional materials pursuant to this code shall be used to purchase instructional materials.

60530. The state board, any district board which employs a superintendent of schools, and other school districts with the approval of the county superintendent of schools may dispose of unusable surplus or undistributed obsolete instructional materials, or such materials which are usable but cannot be distributed pursuant to section 60510 in any of the following ways:

(a) Mutilated as not to be salable as instructional materials and sold for scrap or for use in the manufacture of paper pulp or other substances at the highest price that can be obtained.

(b) Destroyed by any economical means, provided that no instructional material shall be destroyed until 30 days after the governing board has given notice to all persons who have filed a request for such notice.

Attachment G

Attachment G

Sample Copy of
“Price Quotation on Instructional Materials” Form

Price Quotation on Instructional Materials
California State Department of Education
Subject: 14 R Reading/Language Arts

Effective Date - 7/1/01

H100 HARCOURT BRACE SCHOOL PUBLISHERS

Material Type: Items Already In Adoption
Subject: 14 Reading/Language Arts

| Contact Name | | Typed Name and Title of Officer | | | | | | |
|--|----------------|-----------------------------------|---------------|--|------------|-------------|------------|-----------------------|
| Title | | Signature of Officer | | | | | | |
| (Area Code) Phone # | | Ca Sales Tax Permit No. or “None” | | Date | | | | |
| SIGNATURES, C1997 by Farr, Strickland, and Others | | | | | | | | |
| KINDERGARTEN | | | | | | | | |
| State ID Number | Copyright Year | Grade Level | Publisher ID | ITEM DESCRIPTION | ITEM COST | | | *Free Teacher Edition |
| | | | | | Unit Price | Freight FOB | Total Cost | |
| 60 | 1997 | K | 0-15-306861-2 | SIGNATURES KINDERGARTEN PROGRAM | | | | |
| 80 | 1997 | K | 0-15-306398-X | Big Book Collection (component of Signatures Kindergarten Program) | | | | |
| 100 | 1997 | K | 0-15-306880-9 | Dancing Feet, Big Book (component of Big k Collection) | | | | |
| 120 | 1997 | K | 0-15-306881-7 | Pass the Fritters, Critters, Big Book (component f Big Book Collection | | | | |
| 140 | 1997 | K | 0-15-306882-5 | Jesse Bear, What Will You Wear?, Big Book (component of Big Book Collection) | | | | |
| 160 | 1997 | K | 0-15-306883-3 | The Absent-Minded Toad, Big Book (component t of Big Collection) | | | | |
| 180 | 1997 | K | 0-15-306884-1 | Sitting on the Farm, Big Book (component Big Book Collection) | | | | |
| 200 | 1995 | K | 0-15-301339-7 | Together, Big Book (component of Big Book Collection) | | | | |
| 220 | 1997 | K | 0-15-306886-8 | Snowballs, Big Book (comp (component of Big Collection) | | | | |
| 240 | 1997 | K | 0-15-306887-6 | Two Little Shoes, Big (component f Big Book Collection) | | | | |
| 260 | 1997 | K | 0-15-306888-4 | Look Out, Bird!, Big (component o Big Collection) | | | | |
| 280 | 1997 | K | 0-15-306889-2 | Old Mister Rabbit, g Book (component Book Collection) | | | | |
| 300 | 1997 | K | 0-15-306890-6 | What Is the Sun?, Big Book (component of Big Book Collection) | | | | |
| 320 | 1997 | K | 0-15-306891-4 | Pigs Aplenty, Pigs Galore, Big Book (component of Big Book Collection) | | | | |
| 340 | 1995 | K | 0-15-303521-8 | (The Accidental Zucchini, Big Book (component of Big Book Collection) | | | | |
| 360 | 1997 | K | 0-15-306893-0 | Lunch, Big Book (component of Big Book Collection) | | | | |
| 380 | 1997 | K | 0-15-306894-9 | Big Book of Rhymes and Songs (component of Big Book Collection) | | | | |
| 400 | 1997 | K | 0-15-306407-2 | Big Book Literature Cassette Collection (component of Signatures Kindergarten Program) | | | | |

Attachment H

Attachment H

Schedule for Curriculum Framework Development and Adoption of K-8 Instructional Materials

Schedule for Curriculum Framework Development and Adoption of K-8 Instructional Materials

| School Year Ending in June | 99 | 00 | 01 | 02 | 03 | 04 | 05 | 06 | 07 | 08 | 09 | 10 | 11 | 12 |
|---|-----------------------------|--------------|----------------------|------------------------------------|-----|----|--------|----|-------|----|-----|-----|----|----|
| Have Content Standards and SBE adopted Instructional Resources | History-Social Science A | Science c | Mathematics c (A) | Reading/Language Arts/ELD c (A) | F | F | a* c | c | a F c | a | F c | F a | A | A |
| Has standards, SBE adopted materials, but no statewide assessment | Visual & Performing Arts | | | | | | | | | | | | | |
| No standards but have SBE adopted Instructional Resources | Foreign Language | Health | | | F c | A | a* F c | A | | | | | | |
| No standards or SBE adopted Instructional Resources | Physical Education | | | | | | | | | | | | | |

(A) = AB2519 Additional Adoptions Process

A = Primary Adoption

a = Follow-up Adoption

F = Framework

f = Framework update

c = Evaluation Criteria

H = Handbook

SBE = State Board of Education

ELD = English Language Development

* These adoptions will remain suspended pending action by the Governor to restore funding.

Attachment I

Attachment I

Instructional Materials Funding Chart

Funding for the Purchase of Instructional Materials and School Library Materials Fiscal Year 2002-2003

| Funding Source/Budget Act Item Number | 2002-03 Funding | Program Description |
|--|--|---|
| Instructional Materials Funding Realignment Program (IMFRP), K-12 Budget Item 6110-189-0001, Schedule 1 | \$250 million to be allocated after 1/1/03 based on October 2001 CBEDS enrollment | <p>The new Instructional Materials Funding Realignment Program consolidates funding for instructional materials, grades K-12. <u>AB1781</u> established the Instructional Materials Funding Realignment Program to implement the Block Grant (Education Code Sections 60420-60424).</p> <p>Districts must use funds to ensure that each pupil is provided with a standards-aligned textbook or instructional materials in history/social science, mathematics, reading/language arts and science by the beginning of the first school term that commences no later than 24 months after those materials were adopted by the State Board of Education. (Education Code Section 60422 [a])</p> <p>Once the district certifies compliance with this requirement and has met the requirements of Section 60119 regarding the public hearing and resolution on sufficiency of instructional materials, the remaining funds may be used for the purposes stated in Section 60242 (a). (Education Code Section 60422 [b])</p> <p>The State Board of Education shall specify the percentage of a district's allowance that is authorized to be used for these purposes. (Education Code Section 60242 [b])</p> <p>Refer to the CFIR web site</p> |
| One-Time Instructional Materials Grants, K-12 Budget items 6110-189-0001, Schedule 2 and 6110-485-0001 [6] | \$150 million in one time only funds to be allocated after 1/1/03 based on October | These funds are to be used for the purposes of, and allocated consistent with, the Instructional Materials Funding Realignment Program. See details above. |

| | | |
|--|--|--|
| | 2001 CBEDS enrollment | |
| Proposition 20 Lottery Funds | \$11 per ADA estimated revenues for 2002- 03 | Proposition 20 provides that 50% of any growth in statewide lottery funds are allocated for the purchase of instructional materials. For details see the <u>Lottery Revenue Projections letter.</u> |
| <u>School Library Act Funding, K-12</u> Budget items 6110-485-0001 [8] and 6110-149-0001 | \$32.8 million total funding allocated based on October 2001 CBEDS enrollment | Funding is provided for the acquisition of school library resources, equipment to provide access to library resources, and library automation. Materials purchased with these funds shall be circulated from, or used in, the school library media center. New or revised district-wide library plan required. (Note: the Classroom Library Materials Act was repealed by AB1781.) |

Attachment J

Attachment J

Learning Resource Display Centers

Learning Resource Display Centers (LRDCs) Sampling List

Send samples and correspondence to each LRDC address below, except those addresses that state “Correspondence Only” or “Samples Only.”

• Peg Gardner, LRDC #1
Humboldt County Office of Education
901 Myrtle Avenue
Eureka, CA 95501
(707) 445-7077/FAX (707) 445-7073

• Bob Benoit LRDC #3
Attention: Jo Ann Fox
Butte County Office of Education
5 County Center Drive
Oroville, CA 95965
(530) 532-5814/FAX (530) 532-5828

• Karen Elizabeth Smith, LRDC #6
Sonoma County Office of Education
5340 Skylane Blvd.
Santa Rosa, CA 95403-1082
(707) 524-2837/FAX (707) 578-0220

• Janie Rocheford, LRDC #10
Fresno County Office of Education
1111 Van Ness
Fresno, CA 93721-2000
(559) 265-3038/FAX (559) 265-3028

• Heather Dabel, LRDC #12
Kern County Superintendent of Schools Office
705 South Union
Bakersfield, CA 93301
(661) 636-4527/FAX (661) 636-4042
(SAMPLES ONLY)

• Matt Zuchowicz, Co-Director LRDC #13
Santa Barbara County Office of Ed.
4400 Cathedral Oaks Drive
Santa Barbara, CA 93160-6307
(805) 964-4711x247/FAX (805) 683-3597
(CORRESPONDENCE ONLY)

• Gladys Frantz, LRDC #2
Alameda County Office of Education
313 West Winton Avenue
Hayward, CA 94544
(510) 670-4235/FAX (510) 670-4207

• Andrea Fiske, LRDC #5
Attention: Monique Shepard
Sacramento County Office of Education
9738 Lincoln Village Drive
Sacramento, CA 95827
(916) 228-2349/FAX (916) 228-2360

• V. Ruth Smith, LRDC #8
Stanislaus County Office of Education
1100 H Street
Modesto, CA 95354
(209) 525-4990/FAX (209) 525-6630

• Bob Riefe, LRDC #11
Monterey Peninsula U.S.D.
540 Canyon Del Rey, Suite 1
Monterey, CA 93940-5702
(831) 899-7156/FAX (831) 899-2165

• Heather Dabel, LRDC #12
Kern County Superintendent of Schools Office
1300 17th Street
Bakersfield, CA 93301
(661) 636-4527/FAX (661) 636-4042
(CORRESPONDENCE ONLY)

• Lorna Lueck, Co-Director LRDC #13
University of California
Davidson Library
Santa Barbara, CA 93106
(805) 893-3060/FAX (805) 893-4676

• Cindy Munz LRDC #15
San Bernardino County Office of Education
601 North "E" Street
San Bernardino, CA 92410-3093
(909) 386-2666/FAX (909) 386-2688

• Sharon McNeil, LRDC #17
Los Angeles County Office of Education
Bellflower Annex
Library Services
9300 Imperial Highway
Downey, CA 90242-2890
(562) 922-6359/FAX (562) 940-1669

• Mary Ann Liette, LRDC #18
Riverside County Office of Education
Central Receiving
4383 Tequesquite
Riverside, CA 92501
(909) 826-6684/FAX (909) 826-6924
(SAMPLES ONLY)

• Sandra Lapham, LRDC #19
Orange County Office of Education
Technology and Resource Center
200 Kalmus Drive
Costa Mesa, CA 92628
(714) 966-4209/FAX (714) 434-0231
(CORRESPONDENCE ONLY)

• Susan Martimo, LRDC # 22
California Department of Education
1430 N Street, Suite 6019
Sacramento, CA 95814
(916) 319-0446/FAX (916) 319-0172

• Ann Dalton, LRDC #26
San Francisco Unified School District
Textbooks, Libraries, and Media Services
2550 25th Avenue, North Wing
San Francisco, CA 94116
(415) 759-2955/FAX (415) 731-6620
(CORRESPONDENCE ONLY)

• John Magneson, LRDC #28
Merced County Office of Education
632 West 13th Street
Merced, CA 95340
(209) 381-6639/FAX (209) 381-6774

• Beverly Edwards, LRDC #16
Textbook Services
1320 West Third Street
Room 180
Los Angeles, CA 90017
(213) 625-6994/FAX (213) 481-1479

• Mary Ann Liette, LRDC #18
Riverside County Office of Education
3939 13th Street
Riverside, CA 92502
(909) 826-6684/FAX (909) 826-6924
(CORRESPONDENCE ONLY)

• Sandra Lapham, LRDC #19
Orange County Office of Education
1715 E. Wilshire Avenue, Suite 713
Santa Ana, CA 92705
(714) 541-1052/FAX (714) 541-1085
(SAMPLES ONLY)

• Bill Simpson LRDC #21
San Diego County Office of Education
6401 Linda Vista Road
San Diego, CA 92111-7399
(858) 292-3557/FAX (858) 571-5943

• Rovina Salinas, LRDC #24
Contra Costa County Office of Education
77 Santa Barbara Road
Pleasant Hill, CA 94523-4215
(925) 942-5332/FAX (925) 942-5398

• Karol Thomas, LRDC #27
San Mateo County Office of Education
The SMERC Library
101 Twin Dolphin Drive
Redwood City, CA 94065-1064
(650) 802-5651/FAX (650) 802-5665

• Steve Wood, LRDC #30
Tulare County Department of Education
7000 Doe Avenue, Suite A
Visalia, CA 93291
(559) 651-3077/FAX (559) 651-1012
steve@tcoe.org

• Joan Kunkler, LRDC #31
California Polytechnic State University
Kennedy Library
San Luis Obispo, CA 93407
(805) 756-2273/FAX (805) 756-2346

• Peter Doering, LRDC #34
Santa Clara County Office of Education
1290 Ridder Park Drive, #232
San Jose, CA 95131-2398
(408) 453-6670/FAX (408) 453-6815

• Patti Johnson, LRDC #33
Office of Ventura County Superintendent of
Schools
570 Airport Way
Camarillo, CA 93010
(805) 388-4407/FAX (805) 388-4427

• Lorene Sisson, LRDC #34
San Jose State University
College of Education, Clark Library
One Washington Square
San Jose, CA 95192-0028
(408) 924-2730/FAX (408) 924-2701
(CORRESPONDENCE ONLY)

December 2002

Attachment K

CCR 5 Regulations

§ 9500 CALIFORNIA CODE OF REGULATIONS Title 5

Chapter 9. Instructional Materials*

*For State Board procedures relating to text books, see Div. 20.

Subchapter 1. Elementary Instructional Materials

Article 1. General Provisions

§ 9500. Definition.

NOTE: Authority cited: Sections 33031, 60401 and 60500, Education Code. Reference: Sections 20241(e)(2) and 60024 Education Code.

§ 9501. Ownership of Materials.

NOTE: Authority cited: Sections 33031, 60401 and 60500, Education Code. Reference: Sections 60295 and 60315, Education Code.

§ 9502. Loan of Instructional Materials.

NOTE: Authority cited: Sections 33031, 60404 and 60500, Education Code. Reference: Sections 60314 and 60315, Education Code.

§ 9503. Distribution of Large Print Textbooks.

§ 9504. Distribution of Braille Textbooks.

NOTE: Authority cited: Sections 33031, 60401 and 60500, Education Code. Reference: Section 60312, Education Code.

§ 9505. Purchase of In-Service Training.

No cash allotment authorized by Education Code Section 60242(b) for purchase of in-service training shall be expended for salaries or for travel or per diem expenses of district employees doing or attendant to participation in such in-service training.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60242(b), Education Code.

§ 9506. Improvement of Quality and Reliability Through Learner Verification.

A plan developed by a publisher or manufacturer to improve the quality and reliability of instructional materials through learner verification shall include, but not be limited to, the following components:

(a) A design for evaluating the effectiveness of the materials in achieving a positive impact on pupil learning, including the effectiveness of the materials with diverse pupil populations and pupils with special needs.

(b) A description of the process for the collection of field testing data.

(c) Provisions for input on the materials from parents, teachers, pupils, and administrators.

(d) A description of the process by which problems with the materials will be identified and a description of the anticipated procedures for solving the problems.

NOTE: Authority cited: Sections 33031 and 60206, Education Code. Reference: Section 60226, Education Code; and *Engelmann v. State Board of Education* (1991), 2 Cal. App. 4th 47, 50.

Article 2. Standards and Criteria for Adoption of Instructional Materials

§ 9510. Standards and Criteria for Specific Subject Matter Adoptions.

NOTE: Authority cited: Sections 33031 and 60004, Education Code. Reference: Chapters 1 and 2 of Part 33 of Title 2, and Section 60401, Education Code.

§ 9511. Standards and Criteria for All Subject Matter Adoptions.

The standards and criteria in the publication entitled *Standards for Evaluating Instructional Materials for Social Content*, 2000 Edition, approved by the State Board of Education on January 13, 2000, and published by the

California State Department of Education in 2000 are incorporated in this section by reference and apply to all State Board of Education adoptions of instructional materials in all subjects.

NOTE: Authority cited: Sections 33031, 60005, 60048(d), 60200(o) and 60206, Education Code. Reference: Sections 60040-60044, 60048, 60220 and 60200.2 Education Code.

Article 2.1. Adoption of Curriculum Frameworks and Instructional Materials-Procedures

§ 9515. Definitions.

(a) "Board" means the State Board of Education.

(b) "Curriculum Commission" means the Curriculum Development and Supplemental Materials Commission.

(c) "Department" means the California Department of Education.

(d) "Schedule of Significant Events" means the dates promulgated by the Department in the "Invitation to Submit Basic Instructional Materials for Adoption in California."

(e) "Period of Adoption" means the period of time that the instructional materials shall remain in adoption. This time period shall be specified in the "Schedule of Significant Events."

NOTE: Authority cited: Sections 33031 and 60004, Education Code. Reference: Sections 33539, 60019, 60020 and 60200. Education Code.

§ 9516. Advisory Task Forces and Committees to the Curriculum Commission.

The Board may, upon recommendation by the Curriculum Commission, appoint task forces or committees of subject matter experts to assist and advise the Curriculum Commission. Each task force or committee shall include, at the time of appointment, a majority of current classroom teachers providing instruction in kindergarten

and grades one to eight, inclusive, or mentor teachers, or certificated teachers employed by school districts of county offices of education who are not in a position that requires a services credential with a specialization in administrative services, or any combination of those teachers. The primary criteria for membership shall be subject matter expertise and professional knowledge of, and successful experience with, effective educational programs and practices for the full range of the state's diverse population. The Board shall, to the extent possible, appoint persons who are representative of the various ethnic groups and types of school districts in the state. Nothing in this section shall preclude public members, i.e., noneducators, from serving on a task force or committee as the Board may deem appropriate.

For the purpose of developing a curriculum framework or for other activities not associated with the evaluation of basic instructional materials, the Board may expand the committees or task forces to include teachers who provide instruction in kindergarten and grades one to twelve, inclusive.

NOTE: Authority cited: Sections 33031 and 60004, Education Code. Reference: Sections 33530 and 60204, Education Code.

§ 9517. Invitation to Submit Basic Instructional Materials for Adoption.

The Board shall ensure that a written notice of an upcoming adoption of instructional materials is mailed to every person or firm who has submitted a request for notice to the Department and to any person or firm whom the Department, in its judgment, deems to be interested in the notice. This notice shall be known as the Invitation to Submit Basic Instructional Materials for Adoption in California. The failure to mail an invitation to any person as provided in this section shall not invalidate any action taken by the Board, Curriculum Commission, or Department.

With respect to the submission of instructional materials for adoption by the Board, publishers

and manufacturers shall comply with the following requirements:

(a) Instructional materials may be submitted in any language, but essential teachers' materials shall be included in English.

(b) Publishers and manufacturers shall indicate, either in the teacher's edition or in the student's edition or both, which literary works contained in the student's edition or teacher's edition have been abridged, adapted, or excerpted. Publishers and manufacturers shall provide detailed descriptions of these changes upon request by the Department or local educational agencies.

(c) Publishers and manufacturers shall list, either in the teacher's edition or in the student's edition or both, only authors, reviewers, consultants, advisors, field-test teachers, and others who actually contributed to the development of the materials and shall indicate, for those who are listed, in what capacity they served. Publishers and manufacturers shall provide additional related information upon request by the Department or local educational agencies.

(d) Education Code sections 32060-32066 prohibit the purchase of toxic art or craft supplies for grades kindergarten through six and allow their purchase for grades seven through twelve only if they display a warning label. Publishers and manufacturers shall ensure that all art or craft materials included or suggested in their instructional materials comply with the requirements of these Education Code sections.

(e) On or before 5:00 P.M. of the date specified in the Schedule of Significant Events, which is included in the Invitation to Submit Basic Instructional Materials for Adoption, publishers and manufacturers shall provide to the Department a list of all instructional materials that will be submitted for adoption. Receipt of submission information after this deadline shall result in disqualification of the instructional materials from further consideration in the current adoption unless publishers or manufacturers can show extenuating and compelling circumstances beyond their control.

(f) On or before 5:00 P.M. of the date specified in the Schedule of Significant Events, publishers and manufacturers shall deliver samples of instructional materials to the evaluators and locations specified by the Department. Failure to meet the deadline for delivery of samples shall result in disqualification of the instructional materials from further consideration in the current adoption unless the publisher or manufacturer can show extenuating and compelling circumstances involving natural disasters or independent carriers beyond the control of the publishers and manufacturers. In addition:

(1) Publishers and manufacturers shall deliver all samples in final form (i.e., a form that will be offered for purchase over the period of adoption) unless written permission to submit a sample in other than final form is obtained from the Department before any samples are shipped.

(2) Publishers and manufacturers shall deliver all samples free of shipping, handling, sampling, or other charges.

(3) After the final date for delivery of samples, changes or modifications to instructional materials during the adoption review period by the publisher or manufacturer shall result in disqualification of the materials from the adoption unless those changes or modifications are made pursuant to the Board's social content review or educational content review.

(4) Publishers and manufacturers shall retrieve samples of nonadopted instructional materials from display centers during the first thirty (30) days following the date of Board adoption. The deadline for retrieval shall be specified in the Schedule of Significant Events in the invitation. All materials shall be retrieved without any cost to the display center or its staff. Display center directors may dispose of or donate for educational use any samples of instructional materials not retrieved within the 30-day period. Board and Curriculum Commission members, instructional materials reviewers, and Department staff may offer their samples back to publishers and manufacturers, retain their samples, or donate them, provided that the

materials are used to benefit public education in California.

(g) On or before 5:00 P.M. of the date specified in the Schedule of Significant Events, publishers and manufacturers shall submit to the Department price quotations (bids) for the sale of completed materials, including all transportation costs.

(h) Publishers and manufacturers are discouraged from withdrawing from a state adoption after the submission of their materials. No publisher or manufacturer may withdraw their submitted instructional materials from a state adoption within seven working days prior to the beginning of the Instructional Resources Evaluation Panel educational content de- dates) shall be specified in the Schedule of Significant Events. Publishers and manufacturers withdrawing prior to this date shall be so noted in the Curriculum Commission's report of adoption recommendations.

(i) Other than during the times specified in the Schedule of Significant Events, publishers and manufacturers shall not contact Instructional Resources Evaluation Panel members during their tenure to discuss anything related to the state evaluation or state adoption of materials. Contact initiated by publishers or manufacturers regarding the evaluation or adoption of materials may lead to disqualification of the publisher's or manufacturer's materials from further consideration in the current adoption, legal action, or both. Instructional Resources Evaluation Panel members shall not discuss materials under adoption consideration with publishers or manufacturers or their spokespeople or representatives.

(j) Publishers and manufacturers shall not publicize in printed marketing materials any part of the Instructional Resources Evaluation Panel Report.

NOTE: Authority cited: Sections 33031 and 60004, Education Code. Reference: Sections 32060-32066, 60071 and 60200-60222, Education Code.

§ 9518. Social Content Review of Instructional Materials.

The standards and criteria in the publication entitled Standards for Evaluation of Instructional Materials with Respect to Social Content, referenced in Section 9511, shall apply to all instructional materials approved by the Board for compliance with social content requirements, as follows:

(a) Reviews of instructional materials for compliance with social content requirements may be conducted by the Department or its agent.

(b) The Department shall notify publishers or manufacturers in writing of approval of instructional materials for compliance with social content requirements or any citations of noncompliance.

(c) If a publisher or manufacturer requests that their instructional materials be reviewed for compliance with social content requirements, and those materials are not concurrently being submitted for adoption, the Department or its agent may charge publishers and manufacturers a fee not to exceed the cost of the service for conducting a social content review and/or for including them in the list of instructional materials which have been approved by the Board for compliance with social content requirements. The list of approved materials shall be available to all school districts in the state. The publisher or manufacturer requesting such a review shall provide samples of instructional materials in completed form and in numbers to be determined by the Department.

(d) A publisher or manufacturer may appeal the decision of the Department or its agent to the Curriculum Commission. The following procedures apply:

(1) Within thirty (30) days from the postmark date of the Department's written notification to a publisher or manufacturer of noncompliance with social content requirements, a publisher or manufacturer shall notify the Department in writing of proposed revisions or intent to appeal.

(2) The appeal shall be limited to consideration of citations of noncompliance identified during the initial social content review.

(e) A publisher or manufacturer may appeal the decision of the Curriculum Commission to the Board.

(1) Within ten (10) days following the postmark date of the Curriculum Commission's written decision, a publisher or manufacturer shall notify the Curriculum Commission chairperson of any intent to appeal to the Board.

(2) An appeal to the Board shall be limited to consideration of revisions or issues raised during the first-level appeal.

(f) Instructional materials which have been approved for compliance with social content requirements shall not be re-evaluated unless the materials have changed substantively, or the Board's social content standards and criteria have been amended to the extent that, in the judgment of the Board, a re-evaluation is necessary.

(g) Publishers and manufacturers shall not describe or represent as adopted by the Board those instructional materials which have passed only a social content review at the state level. Misrepresentation may result in deletion of the instructional materials from the list of materials approved for compliance with social content requirements.

NOTE: Authority cited: Sections 33031 and 60004, Education Code. Reference: Sections 60040-60044 and 60200, Education Code.

§ 9519. Display of Instructional Materials and Curriculum Frameworks.

Before final adoption of any instructional materials, the Board shall make any instructional materials recommended for adoption available for public review for not less than thirty (30) days at display centers designated by the State Superintendent of Public Instruction. These dates shall be specified in the Schedule of Significant Events.

Samples of instructional materials adopted by the Board shall be available at display centers for a minimum of two years from the date specified in the Schedule of Significant Events.

Prior to recommending any curriculum frameworks to the Board for adoption, the Curriculum Commission shall ensure that copies of the curriculum framework are mailed to any person upon request to the Curriculum Commission. Copies shall also be available at specified display centers throughout the state.

Public comment forms shall be provided at the display centers and may be used for written statements regarding instructional materials and curriculum frameworks. Use of a public comment form to submit a written statement shall not be required.

NOTE: Authority cited: Sections 33031 and 60004, Education Code. Reference: Section 60202, Education Code.

§ 9520. Written Statements to the Curriculum Commission Regarding Instructional Materials and Curriculum Frameworks Submitted for Adoption.

Any person may submit to the Curriculum Commission a written statement regarding any instructional materials or curriculum frameworks submitted for Board adoption, as follows:

(a) A statement of error appearing in the instructional materials or curriculum framework. The statement shall indicate the page, pages, or place in which the error appears, shall include a specification of the error, and, where possible, shall mention a responsible source of information from which the Curriculum Commission can confirm the existence of such error.

(b) A statement of objection to a specified item of content which shall include the page number or other identification of, and reference to, the item of content to which objection is made, and

the grounds for the objection.

(c) Comments relating to any other factor of which the Curriculum Commission should be aware before making a decision to recommend the instructional materials or curriculum framework to the Board for adoption.

(d) A general objection to the adoption of the instructional materials or curriculum framework. The statement shall include a brief statement of the objection and evidence or grounds supporting the objection.

(e) A statement supporting the instructional materials or curriculum framework as a whole or any portion thereof. The statement shall include the reasons for supporting the recommended adoption or for supporting specified portions thereof.

Written statements, typewritten (or in clearly legible manuscript), shall be mailed postpaid to the Executive Secretary of the Curriculum Development and Supplemental Materials Commission, 721 Capitol Mall, Sacramento, California, 95814, postmarked not later than ten (10) days prior to the date set for the Curriculum Commission's public hearing on the instructional materials or curriculum framework.

NOTE: Authority cited: Sections 33031 and 60004, Education Code. Reference: Section 60202, Education Code.

§ 9521. Public Hearings Held by the Curriculum Commission and the Board Regarding Instructional Materials and Curriculum Frameworks.

Prior to recommending a curriculum framework or any instructional materials to the Board for adoption, the Curriculum Commission shall hold at least one public hearing on the curriculum framework and at least one public hearing on any instructional materials submitted for Board adoption.

Prior to adopting a curriculum framework, the Board shall hold a public hearing on the

curriculum framework. Pursuant to Education Code section 60203, the Board shall hold a public hearing on any instructional materials submitted for adoption.

NOTE: Authority cited: Sections 33013 and 60004, Education Code. Reference: Sections 60203 and 60204, Education Code.

§ 9522. Speakers.

Persons wishing to address the Curriculum Commission on a subject to be considered at a further meeting, including any matter designated as a public hearing, shall present a written request to the Executive Secretary of the Curriculum Development and Supplemental Materials Commission, 721 Capitol Mall, Sacramento, California, 95814, by noon of the third working day before the scheduled meeting, stating the subject they wish to address, the organization they represent, if any, and the nature of their testimony.

NOTE: Authority cited: Sections 33031 and 60004, Education Code. Reference: Sections 33530, 33534 and 33535, Education Code.

§ 9523. Presentation of Public Testimony.

At or before the hearing at which oral comments from the public are to be received, the Curriculum Commission chairperson or the chairperson of a hearing body other than the full Curriculum Commission shall determine the total amount of time that will be devoted to hearing such oral comments, and may determine the time to be allotted to each person or to each side of an issue.

NOTE: Authority cited: Sections 33031 and 60004, Education Code. Reference: Section 33536, Education Code.

§ 9524. Waiver by Chairperson.

At any time, upon a showing of good cause, the Curriculum Commission chairperson or the chairperson of a hearing body other than the full Curriculum Commission may waive the requirements of Sections 9522 and 9523.

NOTE: Authority cited: Sections 33031 and 60Q04, Education Code. Reference: Section 33536, Education Code.

Article 2.2. Acquisition of Adopted Instructional Materials

§ 9527: Free Instructional Materials.

If free instructional materials are offered to school districts, publishers and manufacturers shall comply with the following requirements in addition to those stated in Education Code section 60061:

(a) Free instructional materials shall comply with the requirements of education Code sections 60040-60044 and the Board's Standards' for Evaluation, of Instructional Materials with Respect to Social Content.

(b) Publishers and manufacturers shall inform the Department in writing of all offers of free instructional materials within thirty (30) working days of the effective date of the offer so that all school districts may have the opportunity to order these materials. Failure or refusal by the publisher or manufacturer to inform the Department within this deadline shall constitute a rebuttable presumption that the violation of Education Code section 60061 was willful.

NOTE: Authority cited: Sections 33031 and 60004, Education Code. Reference: Section 60061, Education Code.

§ 9528. Alternate Formats of Adopted Instructional Materials.

Alternate formats are (1) instructional materials which are identical in content to adopted instructional materials but different in physical format, or (2) translations or literature that is equivalent in content to adopted instructional materials. Publishers and manufacturers may submit alternate formats of adopted instructional materials to the Department for approval at any time during the period of adoption.

Submissions for approval shall include a sample of the proposed alternate format material.

An alternate format package may include free instructional materials that have not been adopted by the Board, provided that:

(a) the non-adopted free materials have passed a state review for legal compliance with the social content requirements as required by Section 9527 and in accordance with Section 9518,

(b) the purchase price of the alternate format package shall not include any costs attributable to the non-adopted free instructional materials such as, but not limited to, development and production, correlation to the adopted materials, packaging and shipping costs,

(c) the publisher or manufacturer includes with the submission a certification of compliance with the proviso in subdivision (b) of this section, and

(d) the publisher includes in the alternate format package a statement that identifies any items that are free and which have not been adopted by the Board.

NOTE: Authority cited: Sections 33031 and 60206, Education Code. Reference: Sections 60200 and 60222, Education Code.

§ 9529. New Editions of Adopted Instructional Materials.

Upon written request by a publisher or manufacturer, the Department may approve anew edition of an instructional material to replace the original edition adopted by the Board, provided that:

(a) Changes contained in the new edition are so minimal that both the new edition and the old edition maybe used together in a classroom environment. (technical upgrades of computer software which do not contain educational or social content changes shall be exempt from this requirement.)

(b) All changes comply with, the social content requirements of Education Code sections 60040-60044 and the Board's Standards for Evaluation of Instructional Materials with Respect to Social Content.

The price of the original edition or a lower price shall apply until the next scheduled biennial price adjustment for that subject area.

NOTE: Authority cited: Sections 33031 and 60004, Education Code. Reference: Sections 60040-60044, 60061, 60222 and 60223, Education Code.

§ 9530. School District Ordering of Instructional Materials.

Each school district shall purchase adopted instructional materials directly from publishers and manufacturers. With respect to the purchase of instructional materials by a school district, the publisher or manufacturer shall comply with the following requirements:

(a) The provisions of Education Code section 60061 and 60061.5.

(b) Instructional materials furnished and delivered to the school district by the publisher or manufacturer shall conform to and be of the same quality of workmanship as the samples of the respective instructional materials submitted by the publisher or manufacturer to the Department, except that the instructional materials shall also include all revisions, corrections, additions, and substitutions required by the Board at the price adjusted by the Board and the publisher or manufacturer.

(c) Upon request by any school district, a publisher or manufacturer shall provide a copy of any manufacturing standards and specifications for textbooks with which the publisher or manufacturer is currently in compliance.

(d) A discontinuation of an instructional material before its adoption expiration date or before eight years, whichever is less, may cause a hardship on the school districts by limiting the reorder availability of components necessary for the use of instructional materials sets or programs. Should the publisher or manufacturer discontinue to supply an instructional material before its adoption expiration date or before eight years, whichever is less, without prior written approval from the district, upon receipt

of written notice from the district, the publisher or manufacturer shall buyback, from all school districts having received the program, set, or system within the adoption period of the program, set, or system, all components of the instructional materials program, set, or system in which the discontinued item was designed to be used. The publisher shall buy back the instructional materials program, set, or system at the price in effect pursuant to the purchase order or agreement at the time the particular material from the program, set, or system is discontinued.

(e) The failure of the publisher or manufacturer to perform under the term of any purchase order or agreement by late or nondelivery of instructional materials, or the discontinuation to supply materials without prior approval by the Board and the delivery of unauthorized materials will disrupt and delay the intent of the school district's educational process, causing loss and damage to the school, its students, and the public interest. It is difficult to assess and fix the actual damages incurred due to the failure of the publisher or manufacturer to perform. Therefore, the publisher or manufacturer shall comply with any of the following requirements made by the school districts pursuant to this section as compensating or liquidating damages and not as penalties:

(1) For purposes of this subdivision, unauthorized instructional materials are those that do not appear in exact description and terms in the purchase order or agreement or are materials that have not been approved for delivery to California schools in written notice to the publisher or manufacturer from the Board or Department.

Should the publisher or manufacturer deliver unauthorized instructional materials to the school district, on written notice from the district, the publisher or manufacturer shall comply with the following requirements:

(A) Withdraw the delivered unauthorized instructional materials from the school district.

(B) Replace the unauthorized instructional materials with authorized materials that are

comparable in subject matter, quality, quantity, and price in the California schools.

(C) Incur all costs of transportation or any other costs involved to complete the transactions of withdrawing and replacing unauthorized materials.

(D) Complete the transactions of withdrawing unauthorized instructional materials and replacing them in the school district with comparable authorized materials within 60 calendar days of the receipt of written notice from the district.

(2) Should the publisher or manufacturer fail to deliver instructional materials within 60 days of the receipt of a purchase order from the school district and the publisher or manufacturer had not received prior written approval from the district for such a delay in delivery, which approval shall not be unreasonably withheld, the

school district may assess as damages an amount up to five hundred dollars (\$500) for each working day the order is delayed beyond sixty (60) calendar days. If late delivery results from circumstances beyond the control of the publisher or manufacturer, the publisher or manufacturer shall not be held liable. Pursuant to this section, the maximum dollar amount that shall be assessed to the publisher or manufacturer by the school district from any individual purchase order shall be twenty thousand dollars (\$20,000.00). Should the district take such action, the district shall give the publisher or manufacturer written notification of the delivery delay and the date commencing the accrual of dollar amounts to be assessed to the publisher or manufacturer.

NOTE: Authority cited: Sections 33031 and 60004, Education Code. Reference: Sections 60061 and 60061.5, Education Code.

Attachment L

Attachment L

CFIR Web Addresses

CURRICULUM FRAMEWORKS AND INSTRUCTIONAL RESOURCES WEB ADDRESSES

| CFIR Fax | 319 – 0159 | CFIR Office | 319 – 0881 |
|--|-------------------|---|-------------------|
| CDE | | http://www.cde.ca.gov | |
| CDE Press | | http://www.cde.ca.gov/cdepress/downloads.html | |
| CFIR Office | | http://www.cde.ca.gov/cfir | |
| Curriculum Commission | | http://www.cde.ca.gov/cc | |
| Curriculum & Instruction | | http://www.cde.ca.gov/ci | |
| Education Code & other Calif. Law | | http://www.leginfo.ca.gov/calaw.html | |
| Legal Compliance Catalog | | http://www.cde.ca.gov/cfir/lc/ | |
| Legislation | | http://assembly.ca.gov/acs/acsframeset2text.htm | |
| Library Info | | http://www.cde.ca.gov/library | |
| Price Lists | | http://www.cde.ca.gov/cfir/pl/index.asp | |
| Recommended Literature | | http://www.cde.ca.gov/ci/literature/ | |
| State Board | | http://www.cde.ca.gov/board/ | |